

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

June 7, 2019

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, JUNE 7, 2019, BEGINNING AT 9:14 A.M., WITH CHAIR KELLY T. KING PRESIDING.

COUNCIL CHAIR KELLY T. KING: We are now adjourned, I mean we are now, we are now in order for our regular Council meeting of June 7, 2019. It is 9:14. And thank you, Members for accommodating this special Council meeting. We have a deadline of getting that done before the last meeting of HSAC in June, which will happen at our conference next week.

Let's go ahead and just do a quick, well, I don't think, do we need to do roll call by name, Madam Clerk.

DEPUTY COUNTY CLERK: Madam Chair, it's ultimately up to the body, but I can state for the record that all nine Members are—

ROLL CALL

PRESENT: COUNCILMEMBERS G. RIKI HOKAMA, NATALIE A. KAMA, ALICE L. LEE, MICHAEL J. MOLINA, TAMARA A.M. PALTIN, SHANE M. SINENCI, YUKI LEI K. SUGIMURA, VICE-CHAIR KEANI N.W. RAWLINS-FERNANDEZ AND CHAIR KELLY T. KING.

EXCUSED: NONE.

CHAIR KING: Okay, all nine Members are present; same Members as the special meeting plus Councilmember Molina. So, we have a full quorum.

And, we will go to, this morning to our Councilmember Tasha Kama for opening remarks. Ms. Kama.

OPENING REMARKS

The opening remarks were offered by Councilmember Tasha Kama.

CHAIR KING: Mahalo, Councilmember Kama.

And, just to let folks know that we will be doing a celebration of Kamehameha Day on, at the HSAC Conference on June 11 at, I believe at 7:30 a.m. So, I want to thank Councilmember Sinenci for organizing that. It will be outside on the grounds of the Wailea Beach Resort so that people can participate even if you're not registered for the conference. So, that's kind of a joint effort.

And thank you very much, Member Kama for the opening remarks.

Before we proceed with the agenda, I'm going to request that everybody silence their cellphones or other noisemaking devices.

And then all those who, who are so inclined, please stand and join me in reciting the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR KING: Mahalo. And then we'll go back to our regular meeting testimony.

Madam Clerk.

DEPUTY COUNTY CLERK MARGARET C. CLARK: Madam Chair, proceeding with the presentation of testimony on agenda items. We have established limited interactive communication that enables individuals from Hana, Lanai, and Molokai, to provide testimony from our District Offices.

Individuals who wish to offer testimony from the District Offices should now sign up with District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth-floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

When testifying, please state your name and the name of any organization you represent. Please also identify to the Council if you are a paid lobbyist.

The first person signed up to testify in the chamber is Donna Ting, testifying on Committee Report 19-56. To be followed by Dr. Fern Duvall, testifying on County Communication 19-248.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. DONNA TING (testifying on Committee Report 19-56):

Good morning, Council—

CHAIR KING: Good morning.

MS. TING: --Madam Chair and Councilmembers. My name is Donna Ting, and I'm a homeowner in Wailuku Parkside. I have been a homeowner since 2000. And I'm here to celebrate and acknowledge Bill No. 15-56 *[sic]*, which is the Water and Infrastructure Committee approval for Wailuku Parkside.

When I purchased this property in 2000, I was told by the developer that the streets and the waterlines would all be County. And I had no clue until probably six years later, because when a developer develops they are required to post a bond for whatever improvements are put in the subdivision. And apparently, some glitch somewhere there was a problem between the developer and the County. The County released that developers' bond and he never followed up. There was no deed that was recorded, which would have given you ownership for that roadway Eha, part of that was part of the original subdivision.

So, there's some kind of disconnect between the County and the developers. And if it hadn't been for the tenacious, the tenacity of Joe Blackburn who is the homeowners' association manager, we wouldn't be here today. I'm thrilled that you're going to do this because it blows my mind. I mean, who would have thought that it's been almost 20 years and the road, part of Eha which everybody uses, still belongs to the developer. So, I'm thrilled that you're doing this, because the developer should have deeded it to the County then the bond release. Apparently, they released the bond and never got the deed.

So, there's a problem there and I'm here to say thank you for acknowledging it. And we need to fix it, because this particular developer is still developing in, in Maui County

and we need to do that. We need to follow up and, so this doesn't happen again. Thank you and happy Kamehameha Day.

CHAIR KING: Thank you, Ms. Ting. Any questions, Councilmembers? This is item, it's the Committee Report No. 19-56. Thank you for being here.

Madam Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Dr. Fern Duvall, testifying of County Communication 19-248. To be followed by Doug Weber.

DR. FERN DUVAL (testifying on County Communication No. 19-248):

Good morning, Chair--

CHAIR KING: Good morning.

DR. DUVAL: --and Councilmembers and thank you for this opportunity. I see that you will be dealing with considerations on feral cats in Maui County. And so, I wanted to, as part of DLNR and Division of Forestry and Wildlife, and representing today a Resolution 19-2, which I provided to all of you from the Hawaii Invasive Species Council, which is a Council set up that includes department heads for Department of Agriculture, my Department of Land and Natural Resources, etc.

So, I just was going to read a few points into the record and then I had provided the, the testimony:

So, Resolution 19-2 of the Hawaii Invasive Species Council supports the keeping of pet cats indoors and the use of peer-reviewed science in pursuing humane mitigation of the impacts of feral cats on wildlife and people.

WHEREAS feral and free-roaming cats have been documented as predators of wildlife to native and, native to Hawaii, including endangered bird species; and

WHEREAS toxoplasmosis parasite (*Toxoplasma gondii*) reproduces only in feral digestive systems; and

WHEREAS toxoplasmosis has been documented as the cause of death in both terrestrial and aquatic wildlife in Hawaii, including but not limited to the spinner dolphins, the endangered monk seal, the endangered alala, the endangered nene, red-footed booby, and others; and

WHEREAS, in human toxoplas, humans toxoplasmosis can present health risks to pregnant women and/or immunocompromised persons if they handle cat feces or eat raw or undercooked meat; and

RECOGNIZING that numerous scientific studies summarized by Longcore et. al. in 2009 in the journal of *Conservation Biology*, have shown that "Trap-Neuter-Return" is not an effective strategy to reduce the number of feral cats in a given area or the predation and disease impacts of feral cats; and

WHEREAS, the Chapter 194 of Hawaii Revised Statutes, authorize the Hawaii Invasive Species Council to advise and coordinate invasive species-related efforts between state, federal, international, and private programs, and to coordinate the State's position with regard to invasive species; therefore,

BE IT RESOLVED that, that Hawaii Invasive Species Council recommends proposed methods for mitigation impacts of feral cats and native wildlife and/or humans should be both humane and supported by peer-reviewed, scientific evidence.

This is not signed, the copy you have in front of you, it's just getting all the, the Chairs signatures, then it's going to be transmitted to Governor Ige and others in the State Legislature. Thank you very much.

CHAIR KING: Okay, thank you, Dr. Duvall. And, this will be, it's a county communication, so it will be referred to Committee. So, you can bring it, hopefully the signed copy then.

DR. DUVALL: Okay, thank you very much.

CHAIR KING: Thank you. Any questions? No questions? Thank you for your testimony.

Madam Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Doug Weber, testifying on County Communication 19-249 and 19-250. To be followed by Uilani Kapu.

MR. DOUG WEBER (testifying on County Communication Nos. 19-249 and 19-250):

Aloha kakahiaka, Councilmembers, Lady Chair. Name is Doug Weber, local resident, born and raised in Hawaii.

I have friends who live in Launiupoko and family up there and I, I oppose the proposed rezoning of Launiupoko. Three main reasons, excuse me, for my opposition: 1) the water issue up there; 2) increased traffic; 3) poor infrastructure.

First issue is the water issue. Launiupoko is zoned agricultural. As a part of land use in the Maui Island Plan and the zoning, most parcels in Launiupoko have a farm plan. Thus, there is a heavy dependence upon water provided by the Launiupoko Irrigation Company. Launiupoko, as you well know, is very dry and doesn't receive much rainfall.

And as of March 2018, non-potable water has been regulated and restricted. All of the, all of the properties were forced to shift to more usage of potable water at much higher rates. Add in the restrictions on non-potable water for irrigation and the water resources in Launiupoko are maxed out. It would become burdensome for the Launiupoko property owners to have much needed water for agricultural use to be redirected for urban use for the 50-units and presumably over 200 people proposed.

Number two issue was in the increased traffic. The traffic condition would worsen in the area as well as in West Maui. There is only one way in and out of West Maui and the approximate 13-mile stretch from Maalaea and Launiupoko is only one lane in both directions. In the event of an emergency or natural disaster that affects the stretch, West Maui becomes effectively cut off from the rest of the island.

The third issue, poor infrastructure. The current infrastructure desperately needs to be built up and improved upon, upon to support the growing population of West Maui. While building more high-density subdivisions for affordable housing is needed, what is more important is building more infrastructure to support the people already in the area.

And, don't get me wrong, I'm in support of building homes on Maui, but it should not be in Launiupoko. It should be more centralized in my opinion; Wailuku, Kahului, Kihei, are closer to more schools, retail shopping, a hospital, and the airport. The available water, comfortable traffic conditions, and proper infrastructure are already in place. That's where the housing should be proposed and that's why I'm opposed to rezoning in Launiupoko. Mahalo for your time. Malama pono.

CHAIR KING: Mahalo, Mr. Weber. Any questions, Councilmembers? Seeing none, thank you for your testimony.

DEPUTY COUNTY CLERK: The next person signed up to testify in the chambers is Uilani Kapu, testifying on County Communications 19-249 and 19-250. To be followed by Ke'eumoku Kapu.

MS. UILANI KAPU (testifying on County Communication Nos. 19-249 and 19-250):

Aloha mai kakou. Uilani Kapu. I agree with the gentleman in front of us. He brought up a good case because Kuleana Ku'ikahi, which I hold as President now, was the main person that went in front the LUC to keep Launiupoko agriculture. I still am adamant with that. We made them come up with farm plans.

Doing a subdivision like this is not suitable for that area. I have just given you folks paperwork that is, it just was released; Marine Published *[sic]* Bulletin. A friend of mine gave this to me, he's the person that did it. And on page 41, I've highlighted areas which just focuses on Launiupoko and the damages and pollutions that will occur and that have occurred since Pioneer Mill shut down in 1999. The increase of, of the pollution in our waters due to all of the, what do you call that, the leech fields, human feces, let's just put it that way. Launiupoko has been shut down twice; 2013, 2017, due to this process. And it's because of houses being put on slopes with everything going down to our ocean.

So, Launiupoko is not a place for any type of housings. And I agree with the prior person that it should be, I'm not against housing, we definitely need housing, but Launiupoko is not the area. It should stay agriculture and that's, that's it. So, mahalo for that.

And I hope you folks go through this. It's a lot to read. I went through it, but reading it is just unbelievable on all of the pollutions and sediments that's occurred within our areas where we, we don't even have limu anymore and our, our coral is being damaged. So, it doesn't just focus on Launiupoko. And I understand that Olowalu might come before you, there is readings of Olowalu in here also. Mahalo.

CHAIR KING: Mahalo, Ms. Kapu. Any questions? No questions?

Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Ke'eaumoku Kapu. To be followed by Gordon Firestein.

MR. KE'EAUMOKU KAPU (testifying on County Communication Nos. 19-249 and 19-250):

Good morning, Councilmembers. Ke'eaumoku Kapu from Lahaina. Aloha.

(Spoke in Hawaiian.)

Those are the words that was said by Kamehameha during that time of the battle of Iao and Kepaniwai. And literally he said to come forward my children and let us drink the bitter waters of battle.

So, I guess that's where the issue before us today on why I hundred percent oppose the rezoning of these parcels up in Launiupoko. Two testifiers before me basically really put everything into context as pertaining to what we need to consider on how we going provide better homes for our people tomorrow. That is not, definitely not the place to be considered at this moment. I know it's in front of you for a rezone from agriculture to urban or rural, or whatever it, it was.

But, I remember there's probably only a few Members on this body right now that was still here during the time when we were in front of the Land Use Commission through Kuleana Ku'ikahi LLC. The desperate desire to make sure that these lands stayed agriculture because of the influxation of us having to buy products that don't even come from our own gardens. So, I think we need to start considering where our future endeavors is going to be on how we need to survive living on an island.

I've been a strong advocate to these rules. When it comes to water, bottom line for me, liquor is for drinking and water is for fighting. And I rather fight for my resources than get drunk and lay on the side of the road not worrying about where my next meal going come from. So, I'm still adamant to make sure that I'll take a strong stance to remind this Council of your fiduciary duties to make sure that our environment is in jeopardy. Our whole environment is in jeopardy.

And the buck stops here, that you guys need to make sure that my future generations will have a place they can lay their head to be comfortable, to make sure that we're going in the right direction. So, I just want to leave this mana'o with you to make sure that my life, as well as the rest of the life of people choose Maui to live will be happy and bountiful. If not, then Kuleana Ku'ikahi got to blow the trumpet and wake up the cracken once again to put this body and the State in jeopardy because that's my kuleana, that's my responsibility. Mahalo. Thank you.

CHAIR KING: Mahalo. Mahalo. Any questions? Thank you for your testimony.

Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Gordon Firestein. To be followed by Joseph Blackburn.

MR. GORDON FIRESTEIN (testifying on County Communication Nos. 19-249 and 19-250):

Aloha, Councilmembers. My testimony concerns the two County Communications 19-249 and 250; proposing two areas of the Makila area of Launiupoko to be rezoned from ag to urban. My name is Gordon Firestein and my wife and I live in Launiupoko, and we object in the strongest possible terms to both the substance of these proposed ordinances and the process by which they are being brought forward.

Before I get to the lengthy minus side of the ledger, first the positive, as others have said. We are of course in favor of more affordable housing. More affordable housing would be a very, very good thing if, and the ifs are important. So, first the process. There has been zero public outreach, at least that I am aware of, from the developers to the community about these projects. These projects have been prepared in secret and now sprung on the community under fast-track process that allows only 45 days for a decision.

The community has clearly expressed its wishes for the area, and they do not include an urban zone. The existing community plan calls for this to remain ag. The community plan update process, which is ongoing and which would be completely undercut by these projects, has evoked very loud and clear voices in support of keeping this area ag.

Even the Maui Island Plan designates this area as a potential, not inevitable, rural growth area. The fact that these ordinances are being proposed at this meeting was only publicized by single-spaced items on today's agenda released five business days ago, and which required us to click on a link to find the underlying documents that revealed that the locations were in fact in Makila. And the 201H applications for these projects, as far as I know, are not yet available. This process so far, this is the process so far and it is clearly unacceptable when it comes to a public decision of this magnitude.

Now, briefly to the substance. Since we don't have the details yet, we can only surmise certain things based on what these developers have proposed previously. These are not 100 percent affordable housing projects. These are projects, whose affordable housing footprints are sized just below the 15-acre, acre trigger for review by the State Land Use Commission. The whole projects are much larger and include market-rate properties.

Although there are only two proposed ordinances on the agenda today, there are in fact three adjacent contiguous projects in the pipeline. The one that is missing today, Makila Kai, was rejected by the previous County Council with an admonition to

resubmit and simultaneously with the other two so that the combined impacts could be assessed.

CHAIR KING: If you could conclude, Mr. Firestein.

MR. FIRESTEIN: Yes. Last, last statement is, I don't know what actions are contemplated or possible today with regard to these proposed ordinances. But, I urge you not to rush such weighty decisions, to not take these projects in isolation from each other, and to not rush the process by which the public can have a voice in the matter. Thank you.

CHAIR KING: Thank you, Mr. Firestein. Just to, I just wanted to let you know about the process for the agenda. These are on the agenda for referral to the Committee, so there will be no action today. If they're under, county communications are basically referrals to Committees.

MR. FIRESTEIN: Thank you.

CHAIR KING: Thank you.

Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Joseph Blackburn, testifying on County Communication, or excuse me, Committee Report 19-56. To be followed by Mark Deakos.

MR. JOSEPH BLACKBURN (testifying on Committee Report 19-56):

Hi, Joseph Blackburn, managing agent for Wailuku Parkside, 19-56.

CHAIR KING: Mr. Blackburn, you can move the microphone up so you don't have to bend down.

MR. BLACKBURN: Okay, thank you. Anyway, very quickly, April 1, 2002, this is a letter to the developer from the County of Maui; "therefore, we hereby release the developer of the obligation of the agreement for subdivision approval and subdivision bond numbers in the amount of \$1,891,301. We are returning the aforementioned original subdivision documents to you. If you have any questions, call us". Basically, releasing the bonds saying the subdivision is okay. It's 2018 and I, hopefully we're getting our okay today. I'm going to try to stay if you have questions.

On a more neat note, this shirt came from my son, Ikaika. So, we're shouting out Hawaiian, well "Group of the Year" and "Hawaiian Album of the Year". And every time they win something, I get a beautiful hand me down aloha shirt, so anyway to model everybody. Thank you very much.

CHAIR KING: That's beautiful. Thank you, Mr. Blackburn. We have a question for you, Mr. Blackburn, from Councilmember Molina.

COUNCILMEMBER MOLINA: Good morning, Mr. Blackburn.

MR. BLACKBURN: --I get the shirt?

COUNCILMEMBER MOLINA: Yea, I was going to say, can I get a shirt? No, I'm just teasing. Seriously, the letter that you read from the County of Maui to the developer. Who sent that letter?

MR. BLACKBURN: It was sent by the Department of Public Works and Waste Management at that time. And it was signed by David Goode.

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

CHAIR KING: Thank you, Mr. Molina.

MR. BLACKBURN: Thank you.

CHAIR KING: Thank you for being here.

Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify in the chambers is Mark Deakos, testifying on County Communications 19-249 and 19-250. To be followed by Patricia Hunt.

MR. MARK DEAKOS (testifying on County Communication Nos. 19-249 and 19-250):

Good morning, Council.

CHAIR KING: Good morning.

MR. DEAKOS: Chair King. Nice to be here again. My name is Mark Deakos. I'm a 23-year resident in Napili and I'm asking you to deny the rezone of the Polanui and Makila properties for many of the reasons you've heard already. So, I won't dwell on those.

I want to focus on one particular issue and that's holding our developers to a higher standard. So, for over 200 years, businesses have profited on the "take, make, waste" linear economy. Basically extracting resources, making something, selling it, and then disposing of that waste. And this involves internalizing profit as much as you can and externalizing cost onto society and the planet. So, things like pollution, traffic, loss of natural resources. Now, however, since things have gotten so bad, these externalities have boomeranged back on these businesses and it's hitting them in the bottom line. Primarily because of constant lawsuits, project delays, protests, negative testimony, a lot of what the developer here has experienced.

And the good news is that more and more businesses are getting it. They're switching to a no-harm triple bottom line business approach; so, taking care of people, profit, and planet. And they're making good financial returns doing that and they're reducing their risk.

So, we can no longer afford to have our developers promise to minimize their damage or strive to be less sustainable, less unsustainable. We have to demand that they do restorative development. What does that mean? That means a development not only has zero impact, does no harm, but actually restores native habitat, controls stormwater runoff, restores aquifer replenishment and streamflow, reduces traffic, improves food security, improves the well-being of communities, and addresses affordable housing.

Sound too good to be true? Well, it's not. Take for example Enterprise Green Communities, which aligns affordable housing investment strategies with environmentally responsible building practices so that people live in affordable housing are healthier, spend, spend less money on utilities, have more opportunities for transportation, quality of food, healthcare, and benefit from healthy ecosystem services. Since 2004, they built and rehabilitated over 127,000 homes here in the U.S. and they've gotten so good at it, that they do it at the cost of regular development. They also have a certification program so that they can certify third-party developers, and they work with State and local governments.

So, I'll wrap up. If we plan to leave our keiki with healthy island resources that resemble anything like the resources we inherited from our parents, we need to demand that our developers meet the standards of repairing and regenerating what we've damaged. So, once the developers here on Maui embrace this new way of doing business, they won't need to sneak these projects through, or bypass the Planning Commission, they'll

get full support from the community and they'll make choke money doing it. So, doing the right thing—

CHAIR KING: Okay, Mr. Deakos--

MR. DEAKOS: --is no longer a cost issue, it's a leadership issue. Thank you for your leadership on this.

CHAIR KING: Thank you for your testimony. Any questions, Councilmembers? Okay, thank you for being here.

DEPUTY COUNTY CLERK: The next person signed up to testify is Patricia Hunt. To be followed by Shauna Buckner.

MS. PATRICIA HUNT (testifying on County Communication Nos. 19-236 and 19-245, and Committee Report No. 19-54):

Good morning, Council Chair and Councilmen and women. My name is Patricia Hunt and I'm here to speak on three different agendas.

The first one, 19-236, with the Chief of Police having, for the grant for the drug task for \$41,613. I absolutely think you guys should be doing this. There's obviously a very bad problem here and it was brought to my attention not that long ago by some veteran officers here. And I think the more we do on this and the more money that the Police Department can get to fight on the task against drugs here. But, I also think the courts, also, and the Prosecutors Office also need to make sure because I've heard from some veteran police who've been here, born and raised, that it's hard when they do their job and then the other departments can't do their job, meaning putting these people behind bars.

And it's not just a matter of a few that it may be a one-time occurrence. We're talking criminals that should be either off-island, removed to another, to either Arizona, wherever they stick them, so they're not overcrowding the jail here. But, it's to the point where to hear it from a, an officer who's born and raised and all he wanted to do was be a police officer and then he can't do his job because other departments aren't doing theirs, I think is, is unacceptable. And as the gentleman who said this earlier, is do the right thing. So, I'm all for this police budget on any money that the police can get to do their job. But, it would be nice if the other departments can actually do their job to keep these people behind bars or move them off-island permanently.

My other issue is 19-245 on the Chair, Governance, Ethics, and Transparency Committee on the appointment of Kualana Mossiman *[sic]*. I do not know, I know there's a lot of people with similar names. Since I have gotten very involved with certain things after losing a six-figure job in another island that was going to benefit this island and probably a lot of other islands through no fault of my own because of some public records request I still haven't received. I would like to know, and I don't know if you guys would know this or not, but I would like to know before you vote this person in, if Mr. Mossiman *[sic]* actually is related to an Officer Mossiman *[sic]* on this Committee, the one that you're looking at putting in?

CHAIR KING: Ms. Hunt, just to let you know, this is a person who has withdrawn from this.

MS. HUNT: Okay, I didn't know that. Alright, so my last thing I want to talk about is with Govern, Ethics, and Transparency Committee is you have a lawsuit, or it looks like a settlement for the County. And again, I would like to know, as far as public records request, how many lawsuits is this County been dealing with since last term of the prior County Council and now the new term of the County Council?

And I would also like to address this to Mr. Wong, since he's back, 92 Section F, 24, the right to correct personal records regarding incorrect records, I still have not had a response. So, since he's back from his vacation, I would appreciate a letter. And that's all I have to say with the response.

CHAIR KING: Thank you, Ms. Hunt. But, Mr. Wong no longer works for the Department.

MS. HUNT: Okay, well, then who is the new County Counsel that does? Attorney?

CHAIR KING: Are you talking about Corp. Counsel?

MS. HUNT: Corp. Counsel.

CHAIR KING: That would be Moana Lutey.

MS. HUNT: Okay. I've sent several letters and I have had no response. So, who would I go over if she—

CHAIR KING: We can, we can talk offline.

MS. HUNT: Okay, great. Thank you.

CHAIR KING: Thank you. Thank you for your testimony.

Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Shauna Buckner, testifying on County Communications 19-249 and 19-250. To be followed by Steve Hire.

MS. SHAUNA BUCKNER (testifying on County Communication Nos. 19-249 and 19-250):

Good morning, Chair and Councilmembers.

CHAIR KING: Good morning.

MS. BUCKNER: Thank you for giving me the chance to come speak. My name is Shauna Buckner and I am strongly opposed to 249 and 250, as well as my husband, and I know several, if not, all of my neighbors.

I live in Launiupoko on Punakea Loop, which is down the street from where these proposed zoning changes would occur. For all the same reasons that everyone else spoke to. We have ten and a half acres, five and a half of it is a farm plan. We have fruits, and flowers, and things that we want to offer up to the community. And, it would just be very unfortunate that the intent of the land by those that live there and all those that made it ag land in the first place would be changed.

And of course, also the process by which it came here, I wholeheartedly disagree with. We participated in community planning and this was no part of it at all.

Agree that we need more affordable housing, but as others have said, that neighborhood is not the appropriate place, that is farmland. Thank you for your time.

CHAIR KING: Thank you for your testimony, Ms. Buckner.

Next testimony. Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Steve Hire, testifying on County Communications 19-249 and 19-250. To be followed by Albert Perez.

MR. STEVE HIRE (testifying on County Communication Nos. 19-249 and 19-250):

Good morning--

CHAIR KING: Good morning.

MR. HIRE: --Council Chair and Councilmembers. I'm Steve Hire. I live on Punakea Loop, up from where this development is planned. I have a farm up there; I have 16 acres. I agree we need affordable housing. I think sticking an urban area in an ag area and not going through the Maui Planning Commission is a ridiculous thing. I know we need affordable housing. We also need a landfill. I could make a lot more money if I took my 16 acres and had it rezoned for a landfill. But, everybody here would say, well that's a ridiculous thing. Why would you put a landfill in the middle of an ag area in Launiupoko? This is the same problem.

I've already had to pay to have my waterline switched so I can use my house water to water my crops, because we're running out of water up there. So, I've already had to pay to do that. What happens when the, our water for the house goes down because you've built all these houses? Are you going to cut off water to those houses so I can water my crops? Or are you going to say, oh no, we're sorry farmers, we've got to have water for these houses?

Anybody that lives on this island knows Launiupoko has the least rainfall of almost anywhere around. So, we have no water as it is, and they're cutting off the streams, they're cutting off our water, and now you want to put in more housing? That's just, you know, I could go on and on, but I think the main thing is you don't put an urban area in an ag without planning. We need to plan this out. If you want to change that whole area down there and put in urban area, resorts and that kind of thing, then go ahead. But, go through the Planning Commission and plan the whole area. Don't just spot plan one area and say we're going to take this one area and we're going to change the zoning, or yet just so somebody can make money. And you think that that's good because we need affordable housing. We need affordable housing, but we got to think this thing through and we need to plan for it.

So, I'd appreciate it if you would turn down these resolutions and send this back to the Planning Commission where it belongs and back to the community. You know, we've been working on this and trying to get a plan for our community there, and then to just throw this in the middle of our plan is ridiculous. Thank you.

CHAIR KING: Thank you, Mr. Hire. No questions, Council?

Okay, next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Albert Perez, testifying on County Communications 19-249 and 19-250. To be followed by Noelani Ahia.

MR. ALBERT PEREZ, MAUI TOMORROW FOUNDATION (testifying on County Communication Nos. 19-249 and 19-250):

Good morning, Councilmembers.

CHAIR KING: Good morning.

MR. PEREZ: Good morning, Chair King. Albert Perez, Maui Tomorrow and I am a registered lobbyist with the County.

We went through this in 2017, dealing with the Makila Kai project. Prior to that, if you go back a little bit, the developer who was proposing this area it was called the Makila Rural Community and it was before the Land Use Commission. It was a 271-acre project before the LUC. After that same developer got rejected by the Land Use Commission at Olowalu, they decided that they would try to fly under the radar for these projects.

So what they did was they illegally segmented it, trying to get below the level of environmental triggers, 49 lots when you need, when you do 50 you do a wastewater treatment plant and that's an environmental assessment trigger. So, there's all these ways that they're trying to get the projects kind of, to kind of fly below the radar as they say and avoiding the Land Use Commission review as well because they figure that the County would be easier to get through. And taking the affordable housing part that they want to rezone to urban and putting it just under 15 acres. So, this is, this is a well-planned thing.

I have to say though this whole thing is a scam. And the developer who came up the last time with Makila Kai stood up here and actually threatened this Council. If you don't approve this, I'm going to build six mansions right there and you can't stop me. You're not supposed to be building mansions in agricultural land, you're supposed to be farming. And that was the threat that he made to this Council. So, this is big money. They can make a lot of money by doing it this way; posing as affordable housing. They're doing a minimal amount of affordable housing.

As far as the, the process of this getting here. I don't understand why the district boundary amendment item on today's agenda doesn't have any information for us to evaluate the actual project. I don't understand why it's separated from the 201H

resolution. I don't even know that the 201H application has been submitted. We're not aware of that and the housing department hasn't let us know about that. So, there's no information available to the public with which to evaluate this particular project. And it's just, the process is wrong, and I would urge the Council to actually re-agendize this when all of the information is available. And you can make a decision and the public can comment with enough information properly.

The West Maui Community Plan Advisory Committee is convening in a couple of weeks. Why should those citizens spend hundreds of hours and part of their lives putting in all that effort to come up with these community plans that are then ignored by these types of proposals. And I will say that although the State Statute allows you to approve a 201H, it doesn't require you to. You can uphold the community plan. And that's where we should be putting our affordable housing; in areas where we plan for it. And the County can step up to the plate and help these developers who, who are willing to provide 100 affordable housing. Help them with—

CHAIR KING: Will you please conclude, Mr. Perez.

MR. PEREZ: Okay. Help them with their infrastructure, waive their permit fees. It's not rocket science. We just need to step up to the plate. So, I urge you to re-agendize this when all the information is available. Thank you.

CHAIR KING: Thank you. Any questions?

Member Paltin, you have a question for Mr. Perez?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Perez for being here. So, my question is, based on reading this agenda, what do you think the appropriate Committee would be?

MR. PEREZ: Appropriate Committee?

COUNCILMEMBER PALTIN: For it to be re-agendized to. Still Affordable Housing?

MR. PEREZ: No, I'm not saying it should be a different Committee. I'm just saying that the Council should not be taking it up at this time, that the Council should not be referring it to Committee today. So, the choice of the Committee is up to the Council. I think Affordable Housing would be appropriate. I think Planning and Sustainable Land Use would also be appropriate. But, I don't think that this should be on the agenda for today because the public doesn't have enough information to comment intelligently.

COUNCILMEMBER PALTIN: So, is it, it was my understanding that there's 45 days. Is that not the reason? I mean, if we don't agendize it and the 45 days started, then, and we don't meet the 45 days then it automatically passes. So, I'm not sure what you want to do, if you want to stall it and then it will automatically pass?

MR. PEREZ: No, I'm not looking to stall it. But, that's another example of information that I don't have. I haven't seen the 201H application. I don't know that it has been submitted. We saw that it is going to be submitted in June. But, I don't know when the 45-day clock starts ticking, because there's no information available to the public.

COUNCILMEMBER PALTIN: Oh. Maybe, I'm not sure if it's been submitted either. That's just, I guess, rumor.

MR. PEREZ: Exactly.

COUNCILMEMBER PALTIN: Or something. Okay, thanks. Sorry.

MR. PEREZ: Okay.

CHAIR KING: Thank you, Member Paltin.

MR. PEREZ: Thank you.

CHAIR KING: I think we have another question for you, Mr. Perez.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Perez.

MR. PEREZ: Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your testimony. My understanding is the 201H application has been submitted. I, I, I feel your frustration. My office did try to get the application and for numerous reasons was unsuccessful. Because I, I agree that that 201, 201H application should have been posted with the item for full disclosure for the public. So, I guess my question was along the same lines as Member Paltin. So, I, I guess, maybe your recommendation to the Council was under the assumption that the 201H application had not been submitted yet, which is why your, we're recommending re-agendizing until we did have all the, the complete materials for, for this item?

MR. PEREZ: Regardless, now that I know that it has been submitted, I would say that the best course of action at this time would be for the Council to go ahead and reject the application and have it be resubmitted with all the information and start the 45-day clock all over again.

VICE-CHAIR RAWLINS-FERNANDEZ: So, your recommendation would be to waive Committee referral and vote against this item today on the floor so that we would be able to reset the 45-day clock after we receive all the information?

MR. PEREZ: That would actually be a quicker way than by referring it to Committee and rejecting it that way. So, if you want to review this quickly, that would be a way that you could do, by, it would be by waiving the Committee referral and just voting it down today.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Perez. Mahalo, Chair.

CHAIR KING: Mahalo. Thank you for being here, Mr. Perez.

MR. PEREZ: Thank you.

CHAIR KING: Next testifier.

COUNCILMEMBER KAMA: Chair.

CHAIR KING: Oh, I'm sorry, is there another question?

COUNCILMEMBER KAMA: I did.

CHAIR KING: Oh, we have one more question.

COUNCILMEMBER KAMA: No, not for him, for you.

CHAIR KING: Oh, okay.

COUNCILMEMBER KAMA: Do we know for sure if the clock has started ticking on the 201H project?

CHAIR KING: If the 201H has been submitted. So, that's the purpose of getting it to the Committee for full discussion.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR KING: Thank you.

SUPERVISING ANALYST DAVID RAATZ, JR.: Chair. Council staff would just like to note our records haven't shown that we've received the 201H application. When, when it is submitted, it'll go directly to the Affordable Housing Committee based on arrangement that the Council has set up.

CHAIR KING: So, we need to, we, we'll, we'll send an inquiry to make sure if, if the information, whose, seems like there's conflicting information. So, we'll send inquiry to, from the Council on the 201H application.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KING: Thank you.

Aloha, Ms. Ahia. Come on down.

MS. NOELANI AHIA (testifying on County Communication Nos. 19-249 and 19-250):

Aloha, good morning. I'm Noelani Ahia. I just want to start by saying that the 201H process is a sham. Affordability should be in perpetuity. Ten years and then it goes back to market rate is not affordable housing. Are we going to keep building until Maui has become a metropolis or are we going to find real solutions for affordable housing?

We could start with looking at land titles and getting Hawaiians back on their kuleana lands. In light of the presentation given by Dr. Sai, we need to be looking for mechanisms to heal and restore pono to our aina and to our people. These developments such as the one we're discussing right now need to have their titles vetted.

Makila Land Company had already lost a case because its title came from a fake deed created during the plantation era by Pioneer Mill. And it's not the only one. There are potentially hundreds of fake deeds with land conveyed to plantations, sometimes using only an "X" as a signature. But, we know that by the late 1800's Hawaii had almost a 95 percent literacy rate and we knew our kupuna could sign their names because they signed the Ku'e petitions. And by the way, most of the title reports will tell you that the title is clear, but you need to do more research; it's likely not.

But what if in an effort to restore pono, this body put the aina at the top of its hierarchy? Right now, the County's structure is the people at the top, then the Mayor and the Council together at the next level, and then the departments. But, the people and

certainly the County can't exist without the aina. No aina, no food, no life. No wai, no life. No kai, no life. He ali'i ka `aina; he kauwa kekanaka. The land is the chief; we are it's servant.

I would ask, does this development restore pono to the aina? If the answer is no, this land use change should not be approved. We've already heard from several testifiers including Auntie Uilani Kapu, how damaging this project will be to the aina, the kai, and the wai.

We need to rearrange our priorities. Climate change is here, and we must think holistically. We have an opportunity now, given the new information you folks have from Dr. Sai and others, to change our consciousness. This is about elevating how we think about our relationship to the aina as our ancestor, as our kupuna, and something that needs to, to be malama'd. We need to look back at our kanaka maoli values.

He ali'i ka `aina; he kauwa kekanaka. Mahalo.

CHAIR KING: Mahalo. Any questions, Councilmembers? Okay, thank you for your testimony.

Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Jeff Anderson. To be followed by Lucienne deNaie.

(Councilmember Sugimura was excused from the meeting at 10:09 a.m.)

MR. JEFF ANDERSON (testifying on County Communication Nos. 19-249 and 19-250):

Hi, my name is Jeff Anderson and I'm a Lahaina resident. And, I'd like to just make one quick point, this is on 19-249 and 19-250.

The, the, the two bills that are before you are two small segments of a much, much larger development that was once known as Makila Rural. This large development will have large impacts for the area and I recommend a really thorough review with two points. One is consider the impacts on all the projects to the area at once. And the second is to consider the impacts of the entire projects, not just the 15-acre affordable housing part. Thank you.

CHAIR KING: Thank you for your testimony. Seeing no questions, next testifier.

DEPUTY COUNTY CLERK: The last person signed up to testify in the chambers at this time is Lucienne deNaie.

MS. LUCIENNE DENAIE (testifying on County Communication Nos. 19-249 and 19-250):

Thank you, Councilmembers. My name is Lucienne deNaie. I'm testifying on my own behalf as an interested citizen today on the matter of the referral of the fast-track 201H process in Launiupoko.

I am very familiar with this area because I served on the General Plan Advisory Committee. I brought with me here the matrix that was put together by our Planning Department at that time, rating all the different proposed project areas on the island of Maui. There were 20 different proposed project areas at that time. And, the Makila area was being considered at that time to have like a rural growth boundary in it; that's what it was being asked for. And, basically the conclusion was that it was 16th most desirable out of 20 proposed projects because there were so many downsides.

There was a lack of infrastructure. There was the fact that the water supply in the area, even when Pioneer Mill grew there, they couldn't use the wells for very long. If, if they tried to use them at substantial rates, they came salty. And that meant that they had to mix it with more stream water, and they didn't always have that extra stream water.

It just seems like this is a place where we're trying to cram in something because we're so desperate for something that's affordable. And what we're going to get is a new model for doing very short-term houses that will benefit a few people for a little while, and then probably be sold to someone from the mainland because they're going to have private water at private water rates. They're going to have septic systems or a private sewage system, we don't know what because we haven't seen the application, at higher rates than, than the, than the, you know, standard County taxpayer. So, are we building something that even if someone could afford to buy it, that they could afford to live there?

(Councilmember Sugimura returned to the meeting at 10:12 a.m.)

MS. DENAIE: Instead, and I understand some of the people involved in these projects are very altruistic about building affordable housing. But we have projects like Pulelehua that are just languishing there, that were setup to provide 900 units, about a third of which would have been affordable housing; substantial amount that are near a sewage treatment plant, that have wells nearby that can provide water, that, that have, you know, the traffic capacity. That are going to give us a school, which these kind of little piecemeal developments, we get no schools out of them. We get nothing out of them.

We've seen how this happens in Haiku. We're, we're left with no improvements and just more cars and more fancy places that people can buy.

I just recommend when you get it to Committee, turn it down, tell them to bring you the whole project, and figure out where it fits in. Thank you.

CHAIR KING: Thank you for your testimony, Ms. deNaie. Any questions, Councilmembers? Seeing none, appreciate you coming down.

Okay, Madam Clerk.

DEPUTY COUNTY CLERK: Madam Chair, there are no other individuals--

CHAIR KING: Oh, we have, we have one more person approaching.

MR. JASEE LAU [testifying on Bill 27 (2019)]:

Hi you guys. Aloha kakahiaka.

CHAIR KING: Just for the record can you state your name first.

MR. LAU: Oh, sorry.

CHAIR KING: Since you haven't signed in.

MR. LAU: Jasee Lau from Kula. Bill No. 27 under ordinances. There's a, I'm speaking out for our kanaka ka, kana, how you say that, kama`aina named Charles May. He needs housing with a handicap bathroom. He's living under the second tree from Pakaula Street there in front of Home Depot. Now that you've been notified you're required due diligence to show him aloha. This might be a good time to call the Lieutenant Governor doctor guy. Thank you for your time.

CHAIR KING: Okay, thank you.

MR. LAU: Oh, yea, and if there's any medical people out there watching on TV-land, please get over there and help him change his bandages. He's only got one good arm.

CHAIR KING: Thank you, Mr. Lau.

Madam Clerk.

DEPUTY COUNTY CLERK: Madam Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony. We have received written testimony for this meeting.

CHAIR KING: Okay, Members, is there any objection to receiving written testimony into the record?

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM THE FOLLOWING WERE MADE A PART OF THE RECORD OF THIS MEETING:

1. Fern Duvall;
2. Uilani Kapu;
3. Mark Deakos;
4. Shauna Buckner;
5. Jeff Anderson;
6. Lori Tshako, Department of Housing and Human Concerns;
7. Ally Harney;
8. John Greenhalgh;
9. Teresa Jacques;
10. Gerard Harney;
11. Janet Maher;
12. Gregory Owens;
13. Margot Thom and Laurent Joly;
14. Doris Lang;
15. Jim Petersen;
16. Tricia Petersen;
17. Steve Strombeck;
18. Mark Nigh;
19. Mark and Susan Albers;
20. JoAnne and Robert Applegate; and
21. Kamana`opono Crabbe, Office of Hawaiian Affairs.

CHAIR KING: Okay, so ordered. And, if there are no other testifiers, are there any objections to closing testimony at this time?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Testimony is closed.

Members, it's 10:15. Normally we take our morning break at 10:30. Is there a desire to take a break right now, or do you want to go right into the? Take a break and come back at 10:30 then we can finish up the? Okay, we are in recess right now until 10:30.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:15 A.M., AND WAS RECONVENED AT 10:31 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER PALTIN, EXCUSED.)

CHAIR KING: Okay, thank you, Councilmembers. It's 10:31. We're reconvening the regular meeting, Council meeting of June 7, 2019. And we're, we just closed testimony. We have eight of the nine Councilmembers in chambers. Oh, we have nine, no, eight, eight of the nine Councilmembers in chambers.

And, we're going to go ahead and proceed with the agenda with county communications. We'll, we'll expect Member Paltin here in a few minutes.

Madam Clerk.

DEPUTY COUNTY CLERK: Madam Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 19-233 - LORI TSUHAKO, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated May 3, 2019)

Transmitting the notice of grant award from the State of Hawaii, Executive Office on Aging, for the Nutrition Services Incentive Program in the amount of \$34,929 for a Fiscal Year 2019 total of \$148,935.

CHAIR KING: Okay, thank you.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I ask you to direct the Deputy Clerk to also call up County Communications 19-234 through 19-238 at this time?

CHAIR KING: 238?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR KING: Okay. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Madam Deputy Clerk.

NO. 19-234 - ROWENA M. DAGDAG-ANDAYA, ACTING DIRECTOR OF PUBLIC WORKS, (dated May 6, 2019)

Transmitting a grant award from the State of Hawaii, Department of Transportation for the Safe Routes to School Program Special Fund in the amount of \$97,584.27.

NO. 19-235 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated May 16, 2019)

Transmitting a grant agreement with the State of Hawaii, Department of the Attorney General for the Crime Lab Accreditation Project grant in the amount of \$37,472.

NO. 19-236 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated May 16, 2019)

Transmitting a grant agreement with the State of Hawaii, Department of the Attorney General for the Statewide Multi-Jurisdictional Drug Task Force grant in the amount of \$41,613.

NO. 19-237 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated May 20, 2019)

Transmitting a grant agreement with the State of Hawaii, Department of the Attorney General for the Enhanced Physical Evidence Detection grant in the amount of \$55,685.

NO. 19-238 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated May 23, 2019)

Informing of the receipt of Forfeiture Funds in the amounts of \$835.22 from the Federal Bureau of Investigation and \$547.17 from the Drug Enforcement Agency.

(Councilmember Paltin returned to the meeting at 10:33 a.m.)

CHAIR KING: Okay, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 19-233
THROUGH 19-238.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Alice Lee.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. These communications are for informational purposes only. No, none require Council action, I therefore request they be filed.

CHAIR KING: Okay, any, any discussion or questions? If not, I'll call for the question. All those in favor of the motion on the floor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero.

NO. 19-239 - SANANDA K. BAZ, ACTING MAYOR,
(dated May 22, 2019)

Informing of a vacancy on the Council on Aging due to the passing of Louise Corpuz.

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

I MOVE TO FILE COUNTY COMMUNICATION 19-239.

COUNCILMEMBER SINENCI:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR KING: Okay, moved by Councilmember Molina, seconded by Councilmember Sinenci.

Mr. Molina

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. The Acting Mayor has advised the Council of a vacancy on the Council on Aging due to the passing of Louise Corpuz. We want to send our deepest condolences to the family of Ms. Corpuz. She was just a very hardworking wonderful lady and she certainly will be missed. Thank you, Madam Chair.

CHAIR KING: Okay. Thank you. Very sad. All those in favor of the motion on the floor, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay, measure passes nine to zero.

Madam Deputy Clerk.

NO. 19-240 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated May 14, 2019)

Informing of the acceptance of Sewerline Easement S-2, Sandhills Estates,
TMK: (2) 3-8-089:109 POR.

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE: Chair, may I request that County Communications 19-241 through
19-244 also be brought up at this time?

CHAIR KING: Okay, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Madam Deputy Clerk.

NO. 19-241 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated May 14, 2019)

Informing of the acceptance of Sewerline Easement S-3, Sandhills Estates,
TMK: (2) 3-8-089:111 POR.

NO. 19-242 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated May 14, 2019)

Informing of the acceptance of Electrical Easement E-1, Anawio Subdivision, Lot 1,
TMK: (2) 2-2-002:069 POR.

NO. 19-243 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated May 29, 2019)

Informing of the acceptance of a Warranty Deed for Road Widening Lot 162-B, Peahi
Hui Lands Partition, TMK: (2) 2-8-005:139 POR.

NO. 19-244 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated May 29, 2019)

Informing of the acceptance of Fire Hydrant Easement FH-1, Ulupalakua Ranch
Subdivision, Lot 2, TMK: (2) 2-1-019:093 POR.

CHAIR KING: Okay, Councilmember Lee.

COUNCILMEMBER LEE:

MADAM CHAIR, I MOVE TO FILE COUNTY
COMMUNICATIONS 19-240 THROUGH 19-244.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, moved by Member Lee, seconded by Member Rawlins-Fernandez.

Ms. Lee.

COUNCILMEMBER LEE: Members, these five communications are for informational purposes only. Section 3.44.015(H), Maui County Code, requires the Director of Finance to notify the Council in writing of any acquisition by or conveyance to the County pursuant to this Section.

The four easements will facilitate maintenance of the County's infrastructure. No County funds were used for the dedication of these easements.

The road lot dedication provides the necessary right of way with \$3,776 was used from the Countywide Federal Aid Program for the Kaupakalua Road Pavement Reconstruction Project. I ask for the Members support of my motion.

CHAIR KING: Okay, any discussion or questions? If not, all those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero.

Ms. Clark.

NO. 19-245 - MICHAEL J. MOLINA, CHAIR, GOVERNANCE, ETHICS, AND
TRANSPARENCY COMMITTEE, (dated May 24, 2019)

Transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF KAULANA MOSSMAN TO THE LIQUOR CONTROL COMMISSION FOR THE COUNTY OF MAUI".

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO DISCHARGE THE GOVERNANCE, ETHICS, AND
TRANSPARENCY COMMITTEE FROM FURTHER
CONSIDERATION OF THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 19-245.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, moved by Councilmember Molina, seconded by Vice-Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Due to the deadline for this Council to take action on Mr. Mossman being next week June 15, a discharge is needed today to enable the Council to consider action. Thank you.

CHAIR KING: Okay. Any questions or discussion? If not, all those in favor of the discharge, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero.

Councilmember Molina, next step.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT PURSUANT TO RULE 7(G) OF THE
RULES OF THE COUNCIL.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Mike Molina, seconded by
Vice-Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: No further discussion, Madam Chair.

CHAIR KING: Okay, all those in favor of the waiver, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero.

Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 19-245 AND TO
FILE COUNTY COMMUNICATION 19-245 AS WELL.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Molina, seconded by Vice-Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

REFERRING TO THE COPY OF MY AMENDMENT SUMMARY, WHICH WAS DISTRIBUTED TODAY, I MOVE TO AMEND THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 19-245 BY AMENDING THE FIRST BE IT RESOLVED PARAGRAPH BY STRIKING THE WORD "APPROVES" AND INSERTING THE WORD "DISAPPROVES".

COUNCILMEMBER SINENCI:

SECOND.

CHAIR KING: Okay, motion by Councilmember Molina, seconded by Member Sinenci.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. This motion to disapprove Mr. Mossman is in no way a reflection of his character or his ability to serve on the Commission. So, just wanted to note, note that as an FYI.

He did indicate to us in Committee earlier this week that due to a potential conflict he has, which is why his request to withdraw his nomination would, is the appropriate thing to do. So, I want to thank Mr. Mossman for making us aware of that. Thank you.

CHAIR KING: Okay, Alright. Any questions or discussion? If not, all those in favor of the amendment to the motion, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion passes, nine to zero.

So, we're back to the main motion. Any further discussion Councilmember Molina?

COUNCILMEMBER MOLINA: No, no further discussion.

CHAIR KING: Okay. Any other questions or discussion? If not, all those in favor of the main motion on the floor as amended, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any oppose?

NOES: NONE.

CHAIR KING: Motion passes, nine to zero.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 19-109.

CHAIR KING: Okay. Thank you, Ms. Clark.

DEPUTY COUNTY CLERK: Madam Chair, proceeding with county communications for referral. The following county communications are recommended for referral to the following Committees as noted.

NO. 19-246 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated May 23, 2019)

Transmitting a summary of the temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2020 Proposed General Obligation Bond Fund, as of April 30, 2019.

The recommended action is that County Communication No. 19-246 be referred to the Economic Development and Budget Committee.

NO. 19-247 - RIKI HOKAMA, COUNCILMEMBER,
(dated May 24, 2019)

Relating to the Maui Interscholastic League Fees Fund.

The recommended action is that County Communication No. 19-247 be referred to the Economic Development and Budget Committee.

(COUNTY COMMUNICATION NO. 19-247 WAS LATER
REFERRED TO THE HEALTHY FAMILIES AND COMMUNITIES
COMMITTEE. See page 38.)

NO. 19-248 - ALICE L. LEE, COUNCILMEMBER,
(dated May 13, 2019)

Relating to the feral cat problem on Maui.

The recommended action is that County Communication No. 19-248 be referred to the Healthy Families and Communities Committee.

NO. 19-249 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN
CONCERNS (dated May 29, 2019)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE
STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT
TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR
14.390 ACRES SITUATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEY
NO. (2) 4-7-13:007 (POR.), 008 (POR.) AND 010 (POR.)".

The recommended action is that County Communication No. 19-249 be referred to the Affordable Housing Committee.

(See pages 39 through 53 for discussion.)

COUNCILMEMBER PALTIN: Chair.

CHAIR KING: Oh, Member Paltin.

COUNCILMEMBER PALTIN: I was wondering if I could request that No. 19-249 and 19-250
be referred to my Committee?

CHAIR KING: We can do that. We usually run through all the referrals first and then we, and then I'll ask if anybody has any objections to the referrals, and you can make that motion at that time.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR KING: Okay. I'm sorry, where were we? We're on 249.

DEPUTY COUNTY CLERK: Yes.

NO. 19-250 - LORI TSUHAKO, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated May 29, 2019)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR 14.453 ACRES SITUATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEY NO. (2) 4-7-13:01 (POR.), AND 02 (POR.)".

The recommended action is that County Communication No. 19-250 be referred to the Affordable Housing Committee.

(See pages 39 through 53 for discussion.)

NO. 19-251 - ALICE L. LEE, COUNCILMEMBER, (dated May 30, 2019)

Relating to the dedication of roadways in the Waikapu Gardens Subdivision.

The recommended action is that County Communication No. 19-251 be referred to the Water and Infrastructure Committee.

NO. 19-252 - ALICE L. LEE, COUNCILMEMBER, (dated May 30, 2019)

Relating to cleaning and maintaining sidewalks.

The recommended action is that County Communication No. 19-252 be referred to the Water and Infrastructure Committee.

CHAIR KING: Okay. Members, are there any objections to the referrals as read by the Clerk?

Member Hokama, followed by Member Paltin.

**DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 19-247**

COUNCILMEMBER HOKAMA: Chair, it's not an objection. It's just a request. Ms. Rawlins-Fernandez and I had a quick discussion on Communication 247 and I'm going to request that that be sent to HFC.

VICE-CHAIR RAWLINS-FERNANDEZ: No objection.

CHAIR KING: Okay. Any objections to the item being sent to the Healthy Families and Communities?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. So ordered. I'm, yea I just, I'm just kind of, I thought it was going to you, so I'm, I apologize. I think it might've been an error to not send it to your Committee.

COUNCILMEMBER HOKAMA: Yea, that's why Ms. Rawlins-Fernandez, you know, we had a discussion, it's all related to the Parks component, Chair.

CHAIR KING: Right. Right.

COUNCILMEMBER HOKAMA: So, she, and she sits on the Committee as well.

CHAIR KING: Right.

COUNCILMEMBER HOKAMA: So, we'll be working together on this with the department.

CHAIR KING: Yea. Okay. So, great. I'm glad you brought that up.

COUNCILMEMBER HOKAMA: Thank you.

**DISCUSSION RELATING TO
COUNTY COMMUNICATION NOS. 19-249 AND 19-250**

CHAIR KING: Okay. Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you. I'd like to request that No. 19-24, County Communication No. 19-249 and No. 19-250 be referred to my Committee. Historically, District Boundary Amendments and Zoning are the purview of planning and land use. And as a representative of West Maui, this affects my community. And with the confusion about the 201H process, I was, just would like to request to hear it in my Committee.

CHAIR KING: Okay, any objections?

Member Hokama.

COUNCILMEMBER HOKAMA: Chair, objection is such a harsh word here. My concern is that, you know, as I understand the organization period of our Council, there's a specific reason why we have a specific Housing Committee. And yes, planning/land use was the historical Committee because housing was all sent to that. We didn't carve out housing specifically, Chair. But, I would like to see if this is going to work with us having a Housing Committee and allow that Committee to have its opportunity to perform for, for us. Thank you.

CHAIR KING: Okay, thank you. Any other comments?

Councilmember Lee.

COUNCILMEMBER LEE: I do agree with Member Hokama. The fact that this project is located in West Maui is really, is not material here in that, in terms of standing Committee work. So, I believe the standing Committee's description lists under Affordable Housing the 201H projects. So, am I correct or not, Mr. Raatz?

CHAIR KING: Mr. Raatz.

SUPERVISING LEGISLATIVE ANALYST: Thank you, Chair and Councilmember Lee. When the Council established its standing Committees for the term, it adopted Resolution 19-5. And Councilmember Lee is correct; under Affordable Housing Committee, the first item that's listed is "Affordable or residential workforce housing programs, including expedited approvals of housing projects pursuant to Chapter 201H, Hawaii Revised Statutes, or any successor statute, and related district boundary amendments".

COUNCILMEMBER LEE: So, under the circumstances I would prefer that this matter be referred to the Housing Committee. Thank you.

CHAIR KING: Okay. Thank you for those comments. Let me go through the rest of the Councilmembers, then we'll come back to you, Member Paltin.

Member Molina.

COUNCILMEMBER MOLINA: Yea, Madam Chair, just because the developer went through, has applied for this fast-track process, 201H, and there's a time clock involved as well, I'm wondering if that's a factor as well. I'm not sure when Member Paltin could hear this matter. I believe the Housing Chair, Ms. Kama, has a, has a tentative potential date set for later this month to have a hearing, because of the time deadline facing us. So, I don't know if that could be a conflict if we send it to a different Committee and if it was not heard on time. So, if I could get some feedback from Corporation Counsel or maybe even hear from Chair Kama on this and her thoughts.

CHAIR KING: Okay, let me, I'm going to go to Member Sinenci and then we'll go to, to Councilmember Kama. Okay. Thank you for those, those thoughts.

Councilmember.

COUNCILMEMBER SINENCI: Thank you, Chair. I, I too had a question about the 201H process. I, I know you mentioned that there were some conflicting information about the process. Corporation Counsel did not receive anything about the 201H process. So, I was wondering if that, that, my question would be if, if we are in receipt of that 201H permit.

CHAIR KING: We are, we are not in receipt as I understand it. We've been notified that the 201H has been applied for, but we are not in receipt of that, so the 45 days has not started on this project yet is my understanding. The item that's on the agenda doesn't include the, the 201H, that just is the District Boundary. So, those, that, that will have to be taken up as well. So, it's a little convoluted in.

And, Member Paltin is correct, that in the past we've sent these items to the Land Use Committee and now we have land use with planning. It's in, in our resolution, it was, the description of Affordable Housing was to take up these projects.

But, it's, it's always been up to the body if somebody wanted to, we've, we've moved items out of certain Committees and put them in other Committees when, when the Committee Chair has requested, and the body was, was, went along with it. So, you

know, if it, if it, if there are objections, we can, we can vote on it. We can take a vote on it. But, it's not, it's not illegal or against our Rules to change Committees if there's a reason to change it. So, it's basically with the discussion we're having is to give everybody a chance to share their thoughts on it and where they would like to see this item go.

COUNCILMEMBER SINENCI: Thank you, Chair, for that explanation. I think we heard some, from some of the testifiers from Launiupoko and specific West Maui that they were part of the, the Island Plan, West Maui Island Plan. So, so I think they were waiting to, to hear this in, in the public. So, I would want to support the West Maui Island Plan. Thank you.

CHAIR KING: Okay. Councilmember Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, my understanding when I became Chair of the Affordable Housing Committee that all of the 201H's would come through my Committee. And therefore, when they started to come in early February and March, I told them that, you know, I wouldn't be able to schedule them until after budget.

So, I didn't schedule any 201H's, but I did schedule this, these two projects for June 19, the Housing meeting on that agenda. But, it doesn't mean that all of the testimonies that were shared today that the developer, who heard everything that was being said, could not be able to mitigate some of those things at the next Housing meeting of which everyone can come and share their same concerns. And should any other documents be available for them to purview, that could also happen too.

CHAIR KING: Okay.

COUNCILMEMBER KAMA: At least that's my understanding.

CHAIR KING: Okay. So, your desire is to keep it in your Committee?

COUNCILMEMBER KAMA: Yes. Thank you.

CHAIR KING: Okay. Okay. Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Yea, I support that, that it stay in Affordable Housing Committee for the reasons that the, our committee report said, as well as what some of the other Members have said. So, just to be consistent with our, our plan when we first set up our Council.

CHAIR KING: Okay. I don't think we have a committee report on this yet. But, you're talking about the agenda, the county communication. Okay.

COUNCILMEMBER SUGIMURA: The resolution. Sorry.

CHAIR KING: Okay. Councilmember Paltin. You want to speak?

COUNCILMEMBER PALTIN: Thank you, Chair. I just was reading the referral and I just wanted to point out that it doesn't say anything about housing, but it clearly states District Boundary Amendments. And you know, having lived in the Westside and watched this project and, you know, the development of all of Launiupoko without any public input except for our Community Plan of 1986, which requests no developments south of Puamana and north of the Pali and the historic ignoring of the community's wishes.

I feel that this project is less about housing and more about mitigating the impacts of developing this area. It deals with water, land use, environmental concerns, infrastructure, cultural, many of the same things that we are going through with the Waikapu Country Town which went through all of the processes. And, and I think, you know, one of the biggest liabilities to the County at this point is the segmentation of these three different projects that, you know, with the sliding scale and everything, it was zoned agriculture.

So, I, I really would ask my colleagues to support West Maui community, West Maui Community Plan, which my staff and I have been heavily involved in since day one, and our Maui Island Plan, and our General Plan, and you know, the land use of this area and request the Planning and Sustainable Land Use Committee take it up. I'll put it, you know, as soon as I can; if we need to do extra meetings. I don't see how a promise to schedule something that is unknown at this point being that we haven't received the 201H application is relevant. I'll, I'll put it to the top. It's very important to my community. Thank you.

CHAIR KING: Okay. Thank you, Member Paltin.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I absolutely agree with Member Paltin, that this is no doubt about land use. You know, this project has been segmented many times over the years. And it, as many of the testifiers said, you know, this is a, is a land use issue and a planning issue because the West Maui Community Plan states that this, this area is ag and it's for agriculture. The many testifiers stated the lack of water there; the impacts to makai of the project.

It, it's obvious that, you know, this 201H project is trying to skirt around land use issues. And for it to be in land use, I think is most appropriate. And as Member Paltin said in addressing Member Molina's concern about it being able to be scheduled in a timely manner, Member Paltin assured us that she will be able to schedule it in Committee within the 45-day deadline. So, I, I support it going to PSLU.

CHAIR KING: Okay. Any other comments or statements? Okay, we sort of have a, an impasse here and it's going to take a, if you, if somebody wants to make a motion, I think we're going to have to vote on this issue. If we, if we don't have enough votes, it remains with the Affordable Housing Committee. But, this is just to reiterate, this is a item that per our resolution, our original resolution that we passed in the beginning of the year with the, the particular Committees, that this would go, this would, under those, under that description that this would go to the house, Affordable Housing Committee. And as I said earlier, there's, there's a, this is the procedure for if we, if, if the body wants to move it to another Committee and there's not full agreement then we take a vote.

So, do you have a comment, Member Molina?

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Just to add to the dilemma, I'm just looking back historically with my previous tenure on the Council. We had a Committee called Housing and Human Concerns. And typically, the 201H's were sent to that Committee and any non-fast-track proposals would go to Land Use and Planning. So, there has been past precedent for it on previous Councils. But then again, you know, every Council is different. So, if that is the decision of this body to move this to Ms. Paltin's Committee so be it.

But I think, you know, I think there seems to be some differences here as to which Committee it goes. And we, both are seven Member Committees just as an FYI. So, I'm somewhat indifferent. But, because we created this Housing Committee specifically to address these issues, you know, I can understand the stance taken by our Committee Chair, Ms. Kama. So, I think for all intents and purposes, best to take a vote on this. Thank you.

CHAIR KING: Okay. And then whatever happens when this item does go through Committee, it still has to come through the full Council twice. So, just to remind everybody of that. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: And, Chair.

CHAIR KING: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: I think when, you know, when we passed that resolution saying that 201H would go under Affordable Housing that it would be, you know, smaller projects and not segmented in the way that it is. Because in looking at it in its totality, the amount of land that the full project, and not just this segment of it, really affects or is, falls under land use. So, I just wanted to bring that up for the, our Rules. Mahalo, Chair.

CHAIR KING: Yea, and then, and just to reiterate the purpose of Planning and Sustainable Land Use is the, it, you know, there's nothing that prevents the Chair of that Committee from bringing an issue of planning and of looking at an area such as Launiupoko to the, and to be referred to that Committee. If you're looking at overall planning for that area, I think that might be a way to address what's happening in that area in general and have a full discussion on that. So, you know, if there's, if there's pieces of legislation or a resolution that are attached to that and it's, and it is about sustainable land use, I think that would be extremely appropriate.

But, Member Lee.

COUNCILMEMBER LEE: Madam Chair, I would like to have clarification on, on the process here and how many votes would be required? Because to me, we are deviating from our Council Rules. And, that to me, because it's clearly, expedited projects are clearly under Affordable Housing Committee. So, if, I need to get clarification on whether we are deviating from our standing Committee's descriptions and responsibilities. And if so, does a vote need to be taken on overriding those, the Rules of the Council?

CHAIR KING: Okay. I believe so. But, if you, you want an opinion from our legal advisor?

COUNCILMEMBER LEE: Yea. How many votes?

CHAIR KING: Okay. Okay. I believe it's five. But, Mr. Raatz.

SUPERVISING LEGISLATIVE ANALYST: Thank you, Chair. The referral would just require a majority vote of five votes. It's not technically contradicting your Rules of the Council which would take a two-thirds vote. That the Committee assignments were set up via a separate resolution so, they're not technically part of the Rules of the Council.

CHAIR KING: We actually had this--

COUNCILMEMBER LEE: Okay, David, I find that hard to believe. They're separate? The creation of those Committees were not sanctioned by the Council? Did we vote on them or did we not?

CHAIR KING: Mr. Raatz.

SUPERVISING LEGISLATIVE ANALYST: Thank you, Chair. The, the Committees were created by a resolution that was adopted by the body. The Rules of the Council were adopted by a separate resolution. So, the Resolution 19-5 that set up the Committees and established their general jurisdiction was not part of the Rules. So, deviating from that resolution doesn't trigger the two-thirds, two-thirds voting requirement that deviating from the Rules does. So, the Rules of the Council are a separate category. So, the, the Committee resolution, if you want to deviate from that, only requires a majority vote.

COUNCILMEMBER LEE: Is that your recollection, Mr. Hokama?

CHAIR KING: Mr. Hokama.

Well, let me just, let me, before we, I ask for Mr. Hokama to respond, we did have this come up in the last term. And we did take a vote about moving an item from where it was referred to, to another Committee. And it did take five votes. So, five votes moved it over to another Committee.

COUNCILMEMBER LEE: Okay, but this is a new Council. And I had no idea that the creation of the Committees and their, their descriptions were not part of the Rules. Thank you.

CHAIR KING: Thank you.

SUPERVISING LEGISLATIVE ANALYST: Chair.

CHAIR KING: Mr. Raatz.

SUPERVISING LEGISLATIVE ANALYST: Staff would just, for one other point of information for the body's consideration. The Council has set up, within the Affordable Housing Committee, an item to allow for direct referral of 201H resolutions. So, irrespective of where these communications, relating to the District Boundary Amendments go, the 201H resolutions will go to the Affordable Housing Committee.

CHAIR KING: Okay. So, those go directly to the Committee? Okay. Thank you, Mr. Raatz.

I'm going to, and I think Member Lee has, still has the floor and then we'll go to Vice-Chair Rawlins-Fernandez and then Member Paltin.

COUNCILMEMBER LEE: Madam Chair, it's my understanding that these items, 249 and 250 are part and parcel of the 201H application.

CHAIR KING: No, they're actually not. We haven't received, excuse me, we haven't received the 201H application. The 201H application relies on this item. So, last year when we, when the Council heard, I mean in the last term when we heard the Makila Kai Project, that project was at, in one meeting passed, but then in another meeting the District Boundaries were not passed. And so, that basically killed the whole project. So, they're two separate--

COUNCILMEMBER LEE: I know, but it's, but it's still the same project.

CHAIR KING: They're, they're still part of the same project, but their, the actions were taken separately.

COUNCILMEMBER LEE: Okay. I just want to make it clear for the record, I am not familiar with the details of this project. I don't even know who the developer is. But the sense that I'm getting is that it'll have a fairer hearing in the Affordable Housing Committee simply because some of the Members on, on this Council seem to have decided that, pre-decided that they don't like this project. Well, fine, that's great. They can express that in Ms. Kama's Committee. That's all I'm saying, you know.

CHAIR KING: Okay.

COUNCILMEMBER LEE: I just don't like it. And if somebody doesn't like somebody or something, that's irrelevant. What, what we need to be concentrating on is the process, you know. Let's keep the process, you know, correct and appropriate.

CHAIR KING: Okay. I agree. And we should, the discussion, we need to limit the discussion to the Committee assignment and not the, the, the you know, value of the actual project.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I absolutely agree about fairness. And I think it would be fairly heard in Member Paltin's Committee. So, I'm just going to reiterate what Member Paltin said, and I'll read the bill for everyone to hear again that it mentions nothing about 201H. "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR 14.390 ACRES SITUATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEY", and then

the tax map key. So, it's a land use district classification from ag to urban. And that's, that's land use. It doesn't, it doesn't say anything about 201H in the title of the bill.

CHAIR KING: Okay. Thank you, Ms. Rawlins-Fernandez.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair King. That was pretty much what I was going to say. And I just was, I just was going to read it as well and I, I think the process is important and we shouldn't, we should act on the matter that's in writing before us. And if at such time we do receive the 201H application, that could be the, the referral item. But this, as it's written, the facts before us today is clearly a land use matter. And I, I will vet it fairly regardless of my personal concerns,

CHAIR KING: Okay. Thank you, Member Paltin.

Member Kama.

COUNCILMEMBER KAMA: Thank you. So, the Director of Housing and Human Concerns who's giving us direction, the best that they can give us has actually talked with us yesterday after our Housing meeting that these are the two projects that's going to come forth. That the, the time clock starts when it comes to the Affordable Housing Committee. So, I wanted to at least let you all know that and that's what that process is.

But, also, thank you for this Council talking about and thinking about what's fair, what's not fair, and what's best. And, I think having the, this, these projects be decided upon in Housing would be a good Committee, because that's where all of the information can come forth, whether you agree or not, or whether you like it or not. But, to get the full scope of what is needed, we'll have to have a full discussion. And that discussion can take place on June 19, with a possible recess date for the 26. And so, it's scheduled, we can take time and we can recess if we have to and come back again. But, that's my plan. Thank you, Chair.

CHAIR KING: Okay, thank you, Member Kama. And were you told whether or not for the 19th that you would have the, the 201H application at that time as well?

COUNCILMEMBER KAMA: They should be bringing it by that time.

CHAIR KING: Okay, so it's, it'll be early enough to put it on the agenda for that meeting?

COUNCILMEMBER KAMA: Yes.

CHAIR KING: Along with that? Okay. Alright, well we, we don't, it's, I don't have a motion on the floor yet, but if someone wants to make one.

Member Paltin.

COUNCILMEMBER PALTIN:

I'LL MOVE TO MOVE ITEMS 19-249 AND 19-250 FROM THE AFFORDABLE HOUSING COMMITTEE TO THE PLANNING AND SUSTAINABLE LAND USE BASED ON WHAT IS WRITTEN ON THIS PAPER RIGHT HERE THAT, "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR 14.39 [S/C] ACRES SITUATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEY NO. (2) 4-7-13:007 (POR.), 008 (POR.) AND 010 (POR.)", AS WELL AS "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR 14.453 ACRES SITUATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEY NO. (2) 4-7-13:01 (POR.), AND 02 (POR.)".

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, been moved by Member Paltin, seconded by Member Rawlins-Fernandez. Discussion? Further discussion?

Member, I can't tell if your light is on. Member Kama, did you have further discussion on this item? Okay.

Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I would want to support Member Paltin. I, I know that, and it's in no way that I'm against affordable housing. I think we've all taken that stance about affordable housing. But, just to, to the overwhelming testimony about where this affordable housing takes place in, in West Maui, I want to, I want to hear from the community where they see fit, where their affordable housing should be,

should be placed. And, and so I want to wait for, or at least get that from the Planning, that process with the west, West Maui planning. If there are concerns about runoff, obviously there's been some concerns in, in past years in 2013 and 2017, and that's why the project was halted. So, I want to respect the people of West Maui. And so, I want to give them that chance to speak. Thank you.

CHAIR KING: Okay. Thank you, Mr. Sinenci.

Member Lee.

COUNCILMEMBER LEE: Madam Chair, I'll be voting "no" on the motion, strictly from a process point of view. And I really don't think we should be discussing the merits of these projects. We don't even have the information in front of us. Thank you.

CHAIR KING: Okay. Thank you, Member Lee.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Yea, I'm going to vote "no" also and support the process. And, and have this be discussed in total through the Affordable Housing Committee with Member Tasha Kama. Thanks.

CHAIR KING: Okay. Thank you.

Member Molina.

COUNCILMEMBER MOLINA: Yea, Madam Chair, I just want to say I applaud Member Paltin's passion for her community. And, again, for the sake of process, the Housing Committee was formed to address specific issues like this. And, Committee, as you mentioned, is just the first step. Nothing is final until second and final reading. So, the Committee will have three opportunities to testify on this proposal.

And Member Kama has made a commitment that she will have this heard on June 19. And I'm confident too, well depending on the outcome of this vote, Member Paltin would also hear it. But I believe, again, for the sake of process and consistency, let's leave it where it's at. And I'm not sure who, I mean, I'm a Member of both Committees, so either way I've got to vote whichever way it goes. And if you happen to not be a Member of the Affordable Housing Committee, you certainly have that right to come in and provide your thoughts on it. And then you will get your chance at first and second reading at Council level. So, for that, the reasons that I've just stated, I will be voting "no". And no disrespect to my colleague from West Maui. Thank you, Madam Chair.

CHAIR KING: Thank you, Member Molina.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I am a huge advocate of process, which is why I'll be voting to support this motion. You know, land use should be first. Discussing housing before discussing land use is backwards. That we, we should, it, staff, the staff that's been assigned to the Land Use Committee, you know, specializes in that issues and would be better, it's better situated to support those type of, that type of issues to provide the Council that kind of information. Housing is set up, you know, to provide information on housing and that's how assignments are made. And so, I think, you know, because this is a land use issue that it is most appropriate to go to the Land Use Committee.

And, and then that way it's the, you know, we're following the right process and not, you know, doing it backwards, like deciding oh, and that's what happened in the last term; where they decided, okay, housing yea let's do it and then after they said, oh land use, no. And, and that's why, you know, for, for that reason, you know, like that the, it was the land use that ended up killing the, the housing. And so, you know, by putting it land use, I think we'll get better information and have a better opportunity to vet this bill. Mahalo.

CHAIR KING: Okay, thank you.

Member Paltin.

COUNCILMEMBER PALTIN: Yea, so it doesn't look good for me, but I'm still going to go through the vote. And I just wanted to get it onto the record that I requested to be on the Affordable Housing Committee and I wasn't chosen to be on the, a voting member of the Affordable Housing Committee. And, you know, a fair process of this huge issue to my community who has never had a say in what goes on at Launiupoko is that there be a site visit; that the meetings be conducted in my community at night. And I hope that wherever this goes to that that can be accommodated.

You know, the history of Launiupoko is, is a very important part of, of this whole discussion. And I hope that it's thoroughly discussed within our community of West Maui, because we're all here voted in by all the people of the whole County, and West Maui has continually gotten the shaft. I mean, the 88 cap on TVR's doesn't apply because all the condos are grand, grandfathered in. All the tourists are in West Maui and I think, you know, at the very, very least if we're claiming to be fair, the meetings need to be held in West Maui at night and site visits need to be conducted. And I can commit to doing that. So, just throwing it out there.

CHAIR KING: Okay, thank you, Member Paltin.

Any other comments or discussion? Mr. Sinenci? Okay, you have your light on, so.

So, I, just as, I, I'm a little bit frustrated that the, there seems to be an argument about the merits of this actual project instead of the process of where it's going to. And, I got to, I have to tell you that I'm not a voting Member, so I don't know if Mr. Molina was talking directly to me when you made your comments. But, I have confidence in all of our Councilmembers as Chairs of the various Committees that there will be a fair hearing. And then, and this is one of the reasons why everything comes to the Council afterwards, the full.

But, I, I am, you know, as your Chair, bound to support the process that we voted in, in the beginning of the year which is, you know, in this resolution with our Committees. And so, so you know, I don't think anybody who takes a vote today one way or the other is saying anything about the merits of the project. And it's been a, I mean, it, it, I think we kind of devolved into that a little bit too much. But, I would, I would encourage the site visit as a part of that. We've done that in South Maui as well when we've looked at projects over there and I would support that as a, adjunct to this, to the meeting. But, I do feel duty-bound as your Chair to uphold the process that we voted in the beginning.

I would've, I would, it would have been an easy movement if everybody was in agreement. But, because it's turned into a point of contention, I just want to mention that, you know, we had a process that we voted in and I do want to support that. So, with that we'll take a roll call vote.

Ms. Clark.

DEPUTY COUNTY CLERK: Councilmember--

CHAIR KING: Do, does anybody need the motion on the, everyone understands the motion? Okay.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: YES.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.
COUNCILMEMBER HOKAMA: NO.
DEPUTY COUNTY CLERK: Councilmember Alice Lee.
COUNCILMEMBER LEE: NO.
DEPUTY COUNTY CLERK: Councilmember Mike Molina.
COUNCILMEMBER MOLINA: NO.
DEPUTY COUNTY CLERK: Councilmember Shane Sinenci.
COUNCILMEMBER SINENCI: AYE.
DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.
COUNCILMEMBER KAMA: NO.
DEPUTY COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ: AYE.
DEPUTY COUNTY CLERK: Chair Kelly T. King.
CHAIR KING: NO.

AYES: COUNCILMEMBERS PALTIN, SINENCI, AND
VICE-CHAIR RAWLINS-FERNANDEZ.

NOES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SUGIMURA, AND CHAIR KING.

DEPUTY COUNTY CLERK: That amounts to seven "noes" *[sic]*, three "ayes"; motion fails.

CHAIR KING: Okay. Wait, that adds up to ten.

DEPUTY COUNTY CLERK: Six "noes". I'm sorry.

COUNCILMEMBER SUGIMURA: Six and two, six and three.

DEPUTY COUNTY CLERK: I'll work on my math.

CHAIR KING: Okay, six, six "noes".

Okay, thank you, Members. That was a very full discussion and I'm sure we'll have a much fuller discussion when it gets to Committee.

Ms. Clark.

DEPUTY COUNTY CLERK: Madam Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 19-53 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending that Bill 37 (2019), entitled, "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PLANNING (STATE OF HAWAII DEPARTMENT OF HEALTH, COMPLETE STREETS TRAINING)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR KING: Vice Chair Rawlins-Fernandez.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE
REPORT 19-53.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR KING: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The proposed bill amends Appendix A, Part I, Grants and Restricted Use Revenues – Schedule of Grants and Restricted Use Revenues by Departments and Programs, Fiscal Year 2019 Budget, for the Department of Planning, by adding an appropriation entitled "State of Hawaii Department of Health, Complete Streets Training" in the amount of \$45,000.

Your Committee voted 8-0 to recommend passage of the proposed bill on first reading. Your Committee also urged the Department to use the funding for future projects, rather than to provide reimbursements for past projects. I urge my colleagues to join me in supporting this. Mahalo, Chair.

CHAIR KING: Okay. Thank you.

Any questions or comments? If not, all those in favor of the motion say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion passes, nine to zero.

Ms. Clark.

DEPUTY COUNTY CLERK: For the record, BILL 37 (2019).

And Madam Chair, may I also confirm that with the exception of the referral to Councilmember Hokama's Committee, that the rest of the county communications will be referred as read by the Clerk.

CHAIR KING: Yes.

DEPUTY COUNTY CLERK: Thank you.

COMMITTEE REPORT

NO. 19-54 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 19-110, entitled "AUTHORIZING SETTLEMENT OF COUNTY OF MAUI VS. KUALAPU`U RANCH 4, LLC, ET AL., CIVIL NO. 18-1-0321(3)," be ADOPTED.

CHAIR KING: Okay, Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT COMMITTEE REPORT 19-54.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER LEE: Second.

CHAIR KING: Okay. Moved by Councilmember Molina, seconded by Vice-Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your GET Committee met on May 14, 2019 to discuss the proposed resolution to authorize settlement of the case as read by the Clerk. The complaint alleges declaratory and injunctive relief regarding State Well 0801-03, also known as the Kualapuu Mauka Well, a water tank, pumping station, water transmission lines, and other infrastructure related to municipal water distribution.

Corporation Counsel informed the Committee that the parties entered into mediation on February 14, 2019, and were able to agree on proposed terms. And the terms would include the sale to the County of the 1-acre property the well is on plus an additional acre for a backup well whose location has yet to be determined. And the complaint and counterclaim would be withdrawn based also on a payment settlement to Kualapu`u Ranch 4, LLC. Thank you, Madam Chair.

CHAIR KING: Okay. Thank you, Mr. Molina.

Any questions or comments, discussion? If not, all those in favor of the resolution, passing, adopting the resolution, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero.

Ms. Clark.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 19-110.

COMMITTEE REPORT

NO. 19-55 - MULTIMODAL TRANSPORTATION COMMITTEE:

Recommending the following:

1. That Resolution 19-111, entitled "URGING THE MAYOR TO CREATE A VISION ZERO ADVISORY GROUP," be ADOPTED; and
2. That County Communication 19-90, from Councilmember Sugimura, be FILED.

CHAIR KING: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 19-55.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR KING: Moved by Councilmember Sugimura, seconded by Councilmember Hokama.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Vision Zero is an international framework with the mission to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all.

To help us achieve that goal in Maui County, a Vision Zero Advisory Group comprised of representatives from the County of Maui, the State of Hawaii, and private nonprofit organizations should be established.

A Vision Zero Advisory Group could advise County officials on policies and programs that would not only improve safety for all users of Maui County roadways but also promote transportation modes that support public health and social equity.

Your Committee expressed its support for the Mayor's creation of a Vision Zero Advisory Group. I respectfully ask for the Members support of this motion. Thank you, Chair.

CHAIR KING: Okay. Thank you. Any discussion? If not, all those in favor of the resolution say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay. Measure passes nine to zero.

COUNCILMEMBER SUGIMURA: Thank you, Members.

CHAIR KING: Ms. Clark.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 19-111.

COMMITTEE REPORT

NO. 19-56 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending the following:

1. That Resolution 19-112, entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE WAILUKU PARKSIDE SUBDIVISION, PHASE I AND PHASE II, SITUATED IN WAILUKU, MAUI, HAWAII, PURSUANT TO SECTIONS 3.44.015 AND 18.40.010, MAUI COUNTY CODE," be ADOPTED; and
2. That County Communication 19-128, from the Acting Director of Public Works, be FILED.

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE:

MADAM CHAIR, I MOVE TO ADOPT THE
RECOMMENDATIONS IN COMMITTEE REPORT 19-56.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR KING: Okay, moved by Councilmember Lee, seconded by Vice-Chair Rawlins-Fernandez.

Ms. Lee.

COUNCILMEMBER LEE: Your Committee met on May 13, 2019, to consider a resolution to accept nine roadway lots located in the Wailuku Parkside Subdivision and found it is in the public interest to do so.

Your Committee noted 119 Wailuku Parkside homes have been subject to County real property taxes for nearly two decades. And now with this resolution, the neighborhood will finally benefit from County street improvements. Thank you, Chair.

CHAIR KING: Okay, thank you. Any comments or discussion? Now we can take the vote and let the man in the beautiful shirt back there, been waiting all this time. Okay, all those in favor of the motion say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero; unanimous.

And, Ms. Clark.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 19-112.

Madam Chair, proceeding with ordinances for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 27 (2019)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE
COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT
WITH THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
REGARDING THE CONSTRUCTION OF EMERGENCY HOUSING AT THE
UNIVERSITY OF HAWAII, MAUI COLLEGE, DORM SITE

CHAIR KING: Councilmember Kama.

COUNCILMEMBER KAMA:

CHAIR, I MOVE FOR THE, I MAKE A MOTION TO APPROVE
THIS, TO APPROVE THIS ORDINANCE ON SECOND AND
FINAL READING.

CHAIR KING: Okay. Referring to Bill No. 27.

COUNCILMEMBER KAMA:

BILL NO. 27.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER KAMA: Thank you.

CHAIR KING: Okay. Moved by Member Kama, seconded by Member Sugimura.

Ms. Kama, would you like to speak to the motion?

COUNCILMEMBER KAMA: I just want to say thank you to the Members who have supported this in this first reading, that this is probably going to be our first project that we're actually putting out the door. This is our low-hanging fruit. And I want to say thank you, cause we've only been here less than six months and we've, and these are, putting a project through that has been taken years and years for previous Councils to put through. So, I just want to say thank you to the Council.

CHAIR KING: Okay. Thank you. And thank you to the folks from the Administration and HHFDC who are in your fan club right behind you. They're waiting all this time.

Okay, any other discussion on the item?

COUNCILMEMBER MOLINA: Yea.

CHAIR KING: If not, all those in, oh I'm sorry.

Councilmember Molina.

COUNCILMEMBER MOLINA: Yea, Madam Chair, just wanted to share my thoughts. I voted against this first reading. But since that time, I've had a chance to talk to Corporation Counsel regarding the language, which was basically my concern. I mean, I'm totally in support of having some type of housing provided, attainable housing. So, although I still have my reservations, with the spirit of working with the Administration, HFDC [sic], the State and whoever else, and because we do need housing, and the low-hanging fruit so to speak, I'll go ahead and pick the low-hanging fruit and support, with reservations, this bill. Thank you.

CHAIR KING: Okay. Well, I'm going to call for the question as one, so your reservation is duly noted ahead of time, I guess. All those in favor of the motion on the floor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero.

Ms. Clark.

DEPUTY COUNTY CLERK: Madam Chair, there is no further business before the Council.

CHAIR KING: Okay. Thank you, Members for a full morning and good discussions. And the meeting is hereby adjourned at 11:28.

ADJOURNMENT

The regular meeting of June 7, 2019 was adjourned by the Chair at 11:28 a.m.



MARGARET C. CLARK, DEPUTY COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

DAVID Y. IGE
GOVERNOR OF HAWAII

JOSH GREEN
LIEUTENANT GOVERNOR



HAWAII INVASIVE SPECIES COUNCIL

1151 PUNCHBOWL ST, #325
HONOLULU, HAWAII 96813

VOTING MEMBERS

SUZANNE CASE
DEPARTMENT OF LAND & NATURAL
RESOURCES

DENISE ALBANO
HAWAII DEPARTMENT OF AGRICULTURE

KEITH KAWAOKA D.Env.
DEPARTMENT OF HEALTH

NICHOLAS COMERFORD, Ph.D.
UNIVERSITY OF HAWAII

LEO ASUNCION
OFFICE OF PLANNING, DEPARTMENT OF
BUSINESS, ECONOMIC DEVELOPMENT &
TOURISM

DAVID RODRIGUEZ
DEPARTMENT OF TRANSPORTATION

RESOLUTION 19-2

SUPPORTING THE KEEPING OF PET CATS INDOORS AND THE USE OF PEER-REVIEWED SCIENCE IN PURSUING HUMANE MITIGATION OF THE IMPACTS OF FERAL CATS ON WILDLIFE AND PEOPLE

WHEREAS feral and free-roaming cats have been documented as predators of wildlife native to Hawaii, including endangered bird species; and

WHEREAS the toxoplasmosis parasite (*Toxoplasma gondii*) reproduces only in the feline digestive system; and

WHEREAS toxoplasmosis has been documented as the cause of death in both terrestrial and aquatic wildlife in Hawaii, including but not limited to the spinner dolphin, the endangered Hawaiian monk seal, the endangered alala, the endangered nene, and the red-footed booby; and

WHEREAS in humans toxoplasmosis can present health risks to pregnant women and/or immunocompromised persons if they handle cat feces or eat raw or undercooked meat; and

RECOGNIZING that previous public policy discussions in Hawaii have included consideration of funding or exempting from other laws practitioners of a system referred to as "Trap-Neuter-Return" that includes the re-release of neutered feral cats into the wild; and

RECOGNIZING that indoor cats have greater life expectancy than free roaming or feral cats; and

RECOGNIZING that numerous scientific studies, summarized in a meta-analysis titled "Critical Assessment of Claims Regarding Management of Feral Cats by Trap-Neuter-Return" by Longcore et al (2009) in the journal *Conservation Biology*, have shown that "Trap-Neuter-Return" is not an effective strategy to reduce the number of feral cats in a given area or the predation and disease impacts of feral cats; and

WHEREAS, Chapter 194, Hawaii Revised Statutes, authorizes the Hawaii Invasive Species Council to advise and coordinate invasive species-related efforts with and between state, federal, international, and private programs, and to coordinate the State's position with regard to invasive species; now, therefore,

BE IT RESOLVED that the Hawaii Invasive Species Council recognizes that feral and free roaming cats can have a variety of impacts in Hawaii, including predation of native species and the proliferation and transmission of disease to wildlife and humans; and

BE IT FURTHER RESOLVED that the Hawaii Invasive Species Council supports the keeping

of pet cats indoors or otherwise contained to a pet owner's property through use of cat patios, fencing, or other tools to minimize impacts such cats may have on the surrounding environment; and

BE IT FURTHER RESOLVED that the Hawaii Invasive Species Council recommends that proposed methods for mitigating the impacts of feral cats on native wildlife and/or humans should be both humane and supported by peer-reviewed, scientific evidence demonstrating the efficacy of such methods; and

BE IT FURTHER RESOLVED that the Hawaii Invasive Species Council does not recommend the use of "Trap-Neuter-Return" or other efforts that support the feeding or re-release of feral cats into the wild or into public spaces; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor of Hawaii, the President of the State Senate, the Speaker of the State House of Representatives, and to the directors or chairpersons of each HISC agency.

Adopted by the Hawaii Invasive Species Council on the following date: January 29, 2019

Suzanne D. Case, Department of Land & Natural Resources

Denise Albano, Department of Agriculture

Keith Kawaoka, D. Env., Department of Health

David Rodriguez, Department of Transportation

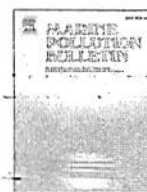
Leo Asuncion, Office of Planning, Department of Business, Economic Development, and Tourism

Nicholas Comerford, Ph.D., University of Hawaii



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Clostridium perfringens testing improves the reliability of detecting non-point source sewage contamination in Hawaiian coastal waters compared to using Enterococci alone

Mailea R. Miller-Pierce*, Neil A. Rhoads

School of Biological Sciences and NSPIRE IGERT, Washington State University, 14204 NE Salmon Creek Avenue, Vancouver, WA 98686, USA

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 Fecal indicator bacteria
 Hawaii water quality standards
 Tropical marine water

ABSTRACT

Non-point sources of sewage-related pollution in tropical marine waters are difficult to ascertain. Enterococci (ENT) are widely used as indicators of human waste but their efficacy in tropical waters is highly debated due to natural presence in tropical soils. *Clostridium perfringens* (CP) is often used as a secondary indicator of fecal contamination because its presence indicates sewage, and in tropical waters environmental sources are unlikely. We analyzed a 27-year dataset containing over 29,000 samples collected by the State of Hawaii, to determine a proposed CP standard for detecting human sewage, which has applicability throughout tropical marine waters globally. Measured ENT concentrations were highly correlated with turbidity. In three instances, sewage contamination was not detected by ENT samples alone, and impairments from non-point pollution may be highly misinformed in Hawaii. The EPA should examine relationships between CP and human health and implement CP as the primary FIB in tropical marine waters.

1. Introduction

Pollution from microbial contaminants found in sewage threatens coastal water quality and the health of humans and ecosystems. Water quality in developing nations and in rural areas is particularly challenged because adequate sewage treatment infrastructure is often lacking (Wear and Vega Thurber, 2015; Wiegner et al., 2016). Non-point pollution sources are a difficult and ongoing challenge to water quality managers in how to determine threats to human health from contaminated nearshore waters. Leaking on-site disposal systems (OSDS) such as cesspools and septic systems are difficult to manage or even locate and they can cause negative effects on water quality and human health (Leonard and Gilpin, 2006; Bonkosky et al., 2009; Amato et al., 2016; Wiegner et al., 2016; Bishop et al., 2017).

In the tropics, this issue is especially exacerbated, as marine waters are used for recreation year-round and population growth and coastal development are amplified (Bonkosky et al., 2009; Corcoran, 2010; Futch et al., 2011). Contamination of coastal waters raises significant public health issues, particularly in areas where people are swimming. Paradoxically, tropical regions are typically coral reef diversity hotspots and attract high numbers of tourists every year, but often have inadequate wastewater infrastructure (Corcoran, 2010). A majority of the increase in the global population is happening in the developing world,

particularly in cities in tropical regions (UNPD, 2006). In the US, population growth along shorelines is also rapidly increasing; shoreline populations increased by 40% between 1970 and 2010, and are projected to increase by 8% (10 million people) by 2020 (NOAA, 2013).

The negative effects of land use on water quality are a serious concern throughout the archipelago of Hawaii, where population growth and economic development are occurring rapidly (State of Hawaii, 2010). Elevated concentrations of nutrients and turbidity have negatively affected marine coastal water quality in Maui, Hawaii for the last several decades (Dailer et al., 2014; Miller-Pierce and Rhoads, 2016). Impairments have been linked to wastewater injection, runoff from agriculture and golf courses, and to areas with high densities of septic and cesspool systems (Hunt, 2007; Hunt and Rosa, 2009; Dailer et al., 2010; Whittier and El-Kadi, 2014; Miller-Pierce and Rhoads, 2016; Woodley et al., 2016; Bishop et al., 2017). Maui Island has the second fastest growing tropical island population in the US, increasing by 23% between 2000 and 2010 (Hawaii Tourism Authority, 2016). In 2016, the island of Maui had 58,599 average daily visitors and 2.63 million total visitors, with a large percentage recreating in marine waters (Hawaii Tourism Authority, 2016).

Much of Maui Island has little or no urban development resulting in the use of OSDS as the primary means of human waste disposal for a large portion of the island. Approximately 73% of Maui's 16,883 OSDS

* Corresponding author.

E-mail address: m.miller-pierce@wsu.edu (M.R. Miller-Pierce).

discharge untreated effluent directly into the ground; such cesspools with untreated effluent are classified as class IV cesspools (Whittier and El-Kadi, 2014). Considering that up to 43.9 million liters/day (or ~11.6 MGD) of effluent are discharged by OSDS in Maui (Whittier and El-Kadi, 2014), it is of fundamental importance to characterize the relationship between OSDS and water pollution in the context of human and ecosystem health. High densities of outdated OSDS can contribute elevated nutrients and turbidity to groundwater and receiving coastal waters (Whittier and El-Kadi, 2014). Thus, in Maui, non-point sources of fecal contamination pose a far greater risk to human health than point sources of contamination. However, the contribution of human fecal contamination from OSDS into Hawaiian marine waters and the effects on human health are still largely unknown.

Since 1976, the United States Environmental Protection Agency (EPA) has used fecal indicator bacteria (FIB) to detect sewage contamination in water to protect the public from waterborne pathogens associated with fecal material (e.g., bacteria, protozoa, and viruses) (EPA, 1976; NRC, 2004; EPA, 2015). The EPA has recommended the use of enterococci (hereafter, "ENT") as pathogen indicators because they co-occur with many known human pathogens and are "substances that indicate the potential for human infectious disease" (EPA, 2012). However, the effectiveness of ENT as an indicator of human waste has been largely questioned, particularly in the tropics (Fujioka et al., 1997; Fujioka et al., 2015; Wiegner et al., 2016).

A large part of this controversy pertains to the fact that ENT are highly concentrated in human sewage (Maier et al., 1999) but are also found in environmental sources such as soil, plants, runoff, and from animal waste of birds (Gruber et al., 2005), livestock, and feral pigs (Byappanahalli and Fujioka, 2004). Moreover, in subtropical climates, ENT can multiply in the environment, giving a false impression of an increase in fecal pollution (Yamahara et al., 2009) and in some cases, can be found in the absence of any known source of human fecal contamination (Toranzos, 1991; Desmarais et al., 2002; Dwight et al., 2004). For example, Wiegner et al. (2013) suggested that after large storm events, marine water samples collected in Hilo Bay, Hawaii contained high concentrations of ENT originating from soils and not from sewage or human fecal matter. Elevated ENT concentrations are often predicted by greater turbidity, demonstrating positive correlations with soil from runoff or surge events (Wade et al., 2010; Viau et al., 2011; Wiegner et al., 2013). Understanding the relationship between ENT concentrations and risks to human health in tropical waters experiencing non-point source pollution has been identified as a top priority (Boehm et al., 2009; Viau et al., 2011b; Fujioka et al., 2015); although to date, no such research under these conditions has been published.

The EPA has correlated elevated ENT concentrations to human gastrointestinal (GI) disease in temperate waters contaminated by point source (sewage) pollution (EPA, 2012). However, data examining this relationship at beaches experiencing non-point source pollution are currently lacking (Fujioka et al., 2015). Furthermore, we are aware of only one EPA study examining correlations between ENT and GI illness in tropical marine waters, which was conducted in Puerto Rico, and the results were declared inconclusive because ENT concentrations did not exceed 35 colony forming units (CFU)/100 ml (the geometric mean standard for water quality exceedances in tropical marine waters) (Wade et al., 2010). The authors stated: "The results...are very difficult to interpret and the attempt to draw conclusions regarding the data reported would be questionable," (Wade et al., 2010). Nevertheless, the EPA determined that because the results did not contradict the more extensive studies in temperate waters, their proposed ENT standard was "scientifically defensible" for all waters (EPA, 2012). Mounting evidence since the 1990's has shown this is not the case (Fujioka et al., 1997; Desmarais et al., 2002; Byappanahalli and Fujioka, 2004; Fujioka et al., 2015; Wiegner et al., 2016).

Because ENT has been unreliable at detecting fecal contamination in Hawaiian waters (Fujioka et al., 1997), investigations into alternative

FIB indicators has been ongoing. The anaerobic microbe *Clostridium perfringens* (hereafter, "CP") is used as a secondary fecal indicator in Hawaiian waters because its presence is linked to human fecal waste; the spores last longer in water environments relative to any sewage pathogen, and it is not capable of regrowth in aerobic environments (Shibata et al., 2004; Fung et al., 2007). Microbial risk assessments found significant correlations between CP and human health risk in 22 freshwater streams in Hawaii (Viau et al., 2011b). In the same study, health risk was greater when septic tank density was higher, suggesting CP may be a promising FIB indicator of sewage pollution from non-point sources of contamination.

Despite the EPA acknowledgement that using CP in Hawaii as a secondary indicator with ENT may be preferable (EPA, 2000), to date the EPA has not conducted research investigating correlations between CP and human health in tropical marine waters. Some argue that this is a serious oversight still in need of resolution (Fujioka et al., 2015). The recommended standard for CP in tropical marine waters was determined by Fujioka et al. (1997) to be 5 CFU/100 ml. Although not mandated to do so, the Hawaii Department of Health (HIDOH) uses CP informally in water quality assessments using this standard. The State of Hawaii has not officially adopted CP as a standard into Hawaii Administrative Rules (HAR, 2014) because the EPA requires epidemiological studies linking CP to human illness to establish an official standard (EPA, 2014).

This current study uses a dataset from the State of Hawaii containing over 29,000 samples of FIB collected on Maui Island over 27 years (1989–2016) to: 1) propose water quality standards for CP in tropical marine waters to detect human sewage contamination and investigate the effectiveness of its dual use with ENT; 2) investigate the relationships between ENT, CP, and turbidity (a proxy for environmental contamination sources); and 3) discuss two case studies in Maui, Hawaii which suggest qualitative links between high concentrations of FIB and non-point pollution sources (i.e. cesspools and seepage pits). The relationship between CP concentrations and human health and safety was beyond the scope of this report.

2. Methods

2.1. Study area

In Hawaii, Maui Island has the second densest population (187 residents/mi²) after Oahu (1595 residents/mi²) (State of Hawaii, 2010). In 2016, Maui Island had a resident population of 144,444 people (US Census Bureau, 2018). During the installation of infrastructure for wastewater disposal during the 1960–1970's there were 35,717–38,691 people living on Maui Island (US Census Bureau). Most of the urban residents live in or near three main towns, Lahaina, Kihei, and Kahului, that are serviced by Maui County centralized sewage systems and wastewater reclamation facilities (Fig. 1). In the northwest and eastern regions, OSDS are the primary means of human waste disposal (Whittier and El-Kadi, 2014).

2.2. Dataset and sampling sites

FIB data were compiled for ENT and CP from the HIDOH Clean Water Branch website (Teruya and HIDOH, 2016). Samples were collected at a depth of 0.3 m using methods described in HIDOH (2012). The first sample collected to determine ENT concentrations occurred on May 1, 1989, and the first sample collected to determine CP concentrations occurred on June 7, 1993. There was a gap in our dataset from 1998 to 2004 because data for these years were not available online when our study began. We compiled data separately for each FIB for 79 collection sites on Maui until October 25, 2016.

Data were separated by time periods: the early period (EP; 1989–1998), the late period (LP; 2004–2016), and for all time periods combined (AT; 1989–2016). During the EP, the Clean Water Branch

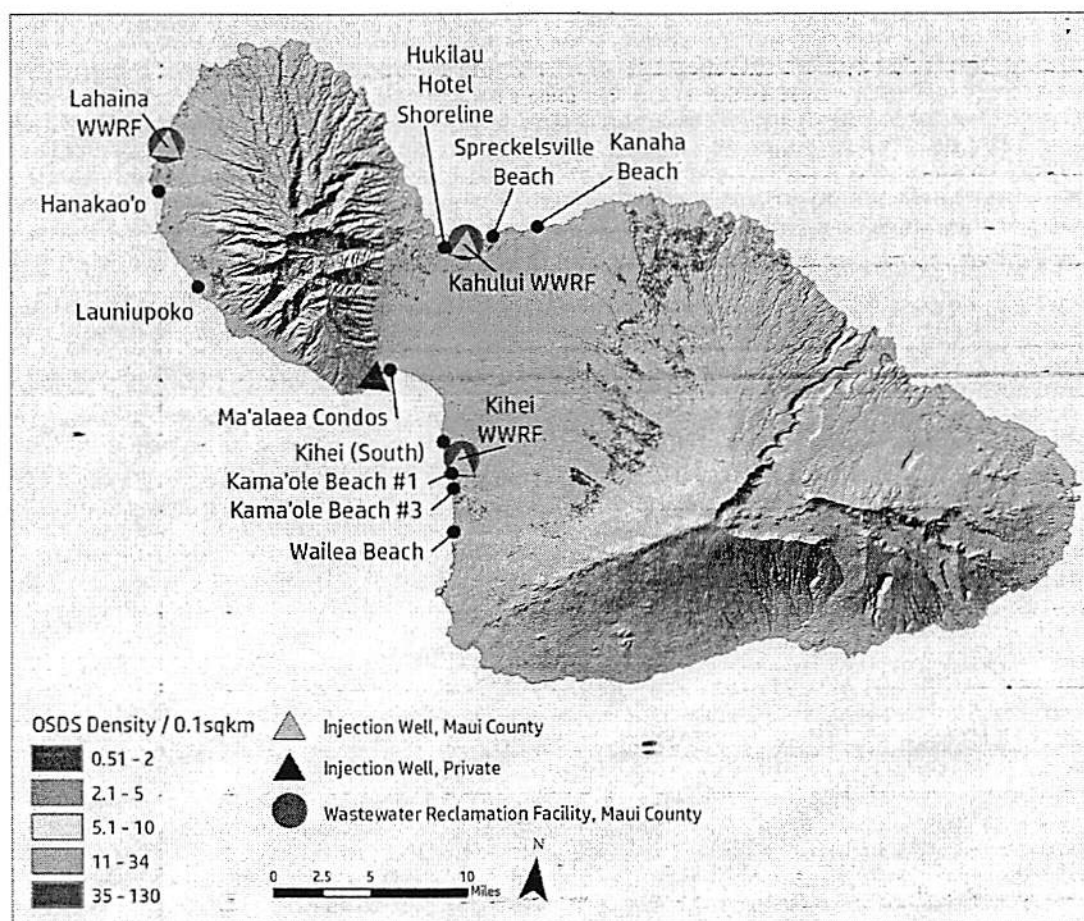


Fig. 1. The density of On-site Sewage Disposal Systems (OSDS) per 0.1 sq km for the island of Maui, Hawaii. Black dots are water sample collection sites included in the study. The locations of Maui County's three Wastewater Reclamation Facilities (WWRF) and their injection wells are shown. Ma'alaea has a private injection well indicated by the black triangle. This map shows the number of OSDS per unit area and does not consider the volume of effluent associated with them. OSDS density = the total quantity of all OSDS classes (I–IV).

used a membrane filtration enumeration method to estimate ENT concentrations. During the LP, ENT concentrations were determined using the Enterolert method established by IDEXX (American Public Health Association, 2009) and approved by the EPA. Both methods quantify the number of ENT CFU per 100 ml water sample making the concentrations statistically comparable (Budnick et al., 1996). The number of ENT samples collected per site varied greatly over the 27-year period; ranging from one to >1000 samples depending on the site. Only 73 collection sites were able to be statistically analyzed because there were very few samples for 6 of the collection sites.

2.3. Geometric mean and statistical threshold value water quality standards

For our analysis, we used ENT water quality standards most recently adopted by the HDOH (HAR, 2014; Sec. 11-54-8(b)). There are two values used to determine attainment of water quality standards in Hawaii for FIB: the geometric mean limit (GML), and the statistical threshold value (STV). For ENT GML attainment, the GM cannot be >35 CFU/100 ml of water. We calculated the GM using the 30-day interval designated in HAR (2014), Sec. 11-54-8(b).

The second value used to determine water quality attainment is the STV. Attainment of the STV means that no >10% of samples can exceed the 10% STV, and 90% of samples are required to fall below that point. For STV attainment for ENT in coastal waters of Hawai'i, ≤10% of samples in a 30-day interval can be >130 CFU/100 ml. In other words, >90% must be <130 CFU/100 ml (HAR, 2014; Sec. 11-54-8(c)).

According to HDOH, within a 30-day sampling period, no minimum number of samples is specified to determine GML or the STV attainment; our data included only groups where $n \geq 2$.

2.4. Discerning pollution sources: a two-organism plotting approach

For each site, we developed plots to discern pollution sources using the "Fung/Fujioka scale" of pollution (Fung et al., 2007). According to this scale, when CP is >100 CFU/100 ml, sewage is the pollution source. When CP is between 10 and 100 CFU/100 ml, non-point pollution is considered the source. Water is considered uncontaminated when concentrations of CP are <10 CFU/100 ml. For each site, we plotted CP concentrations versus ENT concentrations, to assist in identifying potential pollution sources and to assess the linear relationship between FIB.

2.5. Statistical analyses

FIB data were evaluated for normality and homoscedasticity. Microbial concentrations have a log-normal distribution and were transformed to \log_{10} to meet assumptions for statistical comparisons between both organisms. All data with qualifiers (e.g. <, >) were omitted. Bivariate pairwise associations between concentrations of CP, ENT, and turbidity were conducted using Pearson's correlation coefficient (r_p) and linear regression models for continuous variables (i.e. to assess the slope of the fitted line). We conducted pairwise associations

Table 1

Informing *C. perfringens* water quality standards. The number of samples (N) of Enterococci and *C. perfringens* classified into standardized concentration (CFU/100 ml) categories. The number of samples in each category were divided by the total number of samples to determine the percentage of samples in each category. In A) for example, in the > 130 CFU/100 ml category for Enterococci, which corresponds to the statutory Statistical Threshold Value (STV), there were 271 Enterococci samples giving $271/16255 = 1.67\%$. The corresponding number for *C. perfringens* samples in the > 14 CFU/100 ml category was $230/13836 = 1.66\%$. Therefore, the proposed STV for *C. perfringens* was set at 14 CFU/100 ml. The statutory Geometric Mean Limit (GML) for Enterococci is 35 CFU/100 ml, and 3.31% of the samples fall in the interval from GML to STV. We present two options for the proposed GML for *C. perfringens*, either B) 6 CFU/100 ml or C) 5 CFU/100 ml.

A)				
Enterococci	CFU/100 ml	Water quality standard	N	Percent (%) of total samples
In exceedence of WQS	130	$S > 130$ CFU	271	1.67
	35	$35 \text{ CFU} < S \leq 130 \text{ CFU}$	538	3.31
In attainment of WQS	0	$0 \leq 35 \text{ CFU}$	15,446	95.02
			Total n = 16,255	
B)				
<i>Clostridium perfringens</i>	CFU/100 ml	Water quality standard	N	Percent (%) of total samples
In exceedence of WQS	14	$S > 14$ CFU	230	1.66
	6	$6 \text{ CFU} < S \leq 14 \text{ CFU}$	420	3.04
In attainment of WQS	0	$0 \leq 6 \text{ CFU}$	13,186	95.3
			Total n = 13,836	
C)				
<i>Clostridium perfringens</i>	CFU/100 ml	Water quality standard	N	Percent (%) of total samples
In exceedence of WQS	14	$S > 14$ CFU	230	1.66
	5	$5 \text{ CFU} < S \leq 14 \text{ CFU}$	554	4.00
In attainment of WQS	0	$0 \leq 5 \text{ CFU}$	13,052	94.33
			Total n = 13,836	

between FIB concentrations and turbidity, at a range of concentrations, in order to assess whether varying levels of turbidity relate to varying levels of FIB. Pearson's r_p measures the strength of the linear association between two variables, and measures the distance of each data point from the line of best fit (Viau et al., 2011). The bivariate fit for r_p was set at $p = 0.95$ and statistics were considered significant if $p \leq 0.05$.

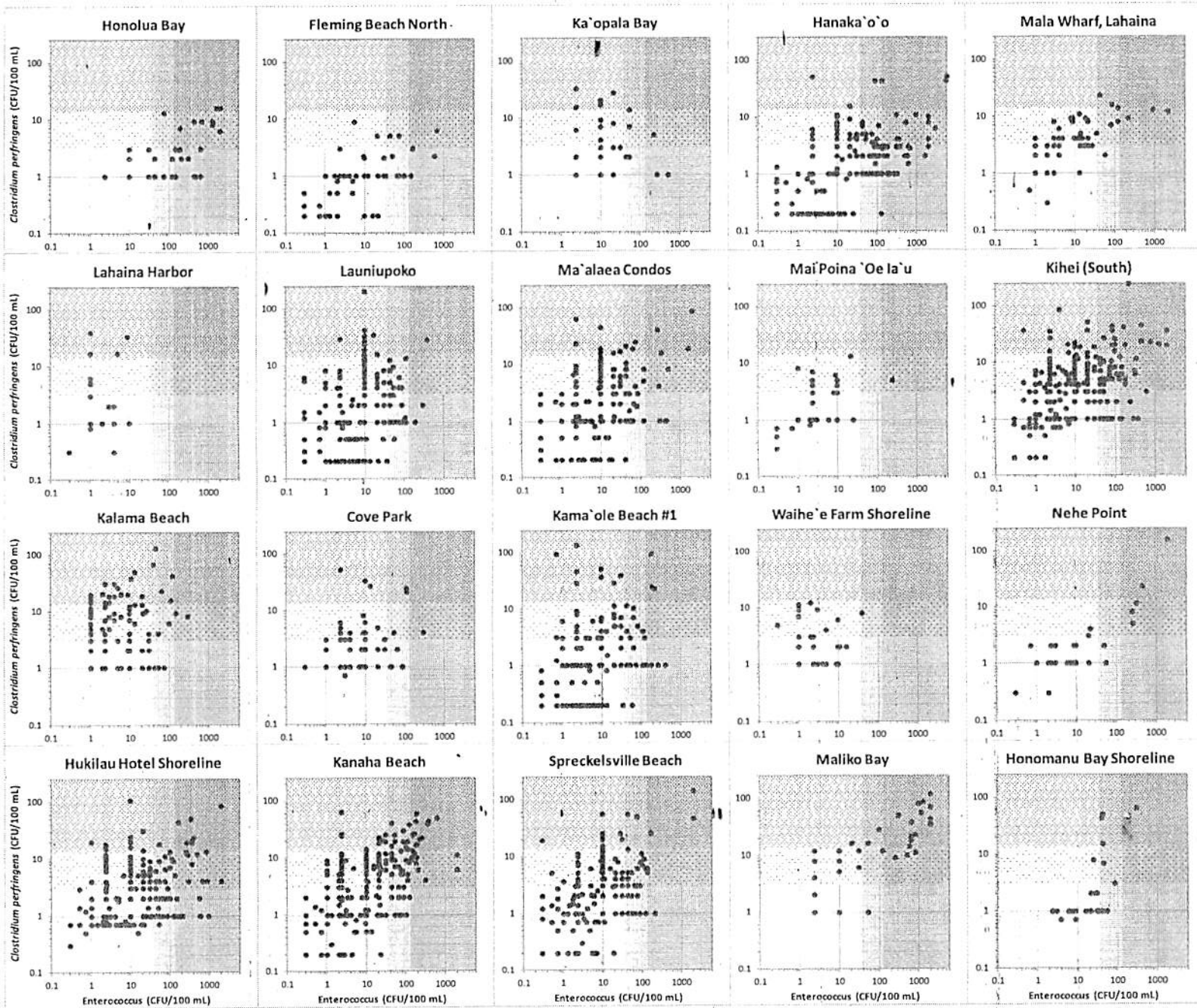
One-way Analysis of Variance (ANOVA) tests were conducted for sites having > 1000 samples, in order to assess differences in mean FIB concentrations between the EP and the LP. Because sample sizes were often much higher during the LP compared to the EP, we tested for

unequal variances using Levene's test (Gastwirth et al., 2009). If variances were unequal (Levene's test, $p < 0.05$), then Welch's test was used as an alternative test to ANOVA in reporting significant differences between time periods (Jan and Shieh, 2014). Linear regressions and ANOVA tests were conducted to examine differences in FIB concentrations over time. If the fixed effect 'year' was significant in the ANOVA ($p < 0.05$), then Tukey's HSD was used to assess which years were significantly different. All statistical analyses were performed using JMP 13.0 (JMP, 2017).

Table 2

Bivariate pairwise associations between A) fecal indicator bacteria and turbidity (N.T.U), and B) *C. perfringens* and Enterococci. Numbers represent the Pearson's correlation coefficient (r_p) and sample size is in parentheses (n). Bold r_p values are significant and non-bold r_p values are not significant. Significance values: * $p < 0.05$, ** $p < 0.01$ or *** $p < 0.001$.

A)		Turbidity (N.T.U)	
		All data	≥ 2
<i>C. perfringens</i>			
All data		0.35*** (4824)	0.33*** (3909)
≥ 6		0.22*** (479)	0.23*** (456)
≥ 14		0.21** (177)	0.23** (141)
Enterococci			
All data		0.32*** (8057)	0.29*** (5234)
≥ 35		0.35*** (485)	0.35*** (446)
≥ 130		0.42*** (208)	0.41*** (165)
B)		Enterococci	
		All data	$\geq 35 \text{ CFU/100 ml}$
			$\geq 130 \text{ CFU/100 ml}$
<i>C. perfringens</i>			
All data		0.47*** (4985)	0.29*** (549)
$\geq 6 \text{ CFU/100 ml}$		0.24*** (642)	0.18*** (223)
$\geq 14 \text{ CFU/100 ml}$		0.11 (204)	0.16 (105)
			0.21** (190)
			0.10 (102)
			0.14 (55)



(caption on next page)

Fig. 2. Bivariate relationships between microbial indicators using Pearson's correlation coefficient (r_p). Dots represent concentrations of *C. perfringens* relative to Enterococci between 1989 and 2016. Each point represents a single sample; however, in some cases, points overlap. Data with qualifiers are included.

3. Results

3.1. Data overview and determination of *C. perfringens* standards

At 79 collection sites across Maui there were 16,255 samples collected between 1989 and 2016 to assess concentrations of ENT and 13,836 samples collected between 1993 and 2016 to assess concentrations of CP (Table 1). There were 12,857 instances where >2 samples were collected during a 30-day period for ENT and 11,775 instances for CP. We used the distribution of ENT values to assign a corresponding standardized set of values for CP. For example, ENT was >130 CFU/100 ml in 1.62% of samples (271 ENT samples out of 16,255 samples) (Table 1). The equivalent percentage (240 CP samples out of 13,836 samples = 1.66%) of CP samples were >14 CFU/100 ml (Table 1). Therefore, we set the STV 10% CP standard to 14 CFU/100 ml.

For the CP GML standard, the 50% percentile was most equivalent to the ENT percentage (ENT: 3.31% of samples), at 6 CP CFU/100 ml (3.04% of CP samples fell in the interval from GLM to STV) (Table 1B). However, we also examined the more protective 5 CP CFU/100 ml for comparison, which had a slightly larger percentage in the GML to STV interval compared to ENT, but only by 0.96%, (5 CP CFU/100 ml was 4% of samples) (Table 1C). The final proposed standards for CP standardized to ENT are found in Table 1.

3.2. Relationships between ENT, CP, and turbidity

Higher concentrations of ENT (CFU ≥ 130) were significantly correlated with turbidity ($r = 0.42$; $p < 0.0001$; Table 2) suggesting that ENT is more directly influenced by soil as opposed to sewage. When all ENT data were included in the regression with turbidity, the association was also significant ($r = 0.32$; $p < 0.0001$), demonstrating that turbidity is a strong predictor of ENT. In contrast, as correlations between CP and turbidity were compared across a range of CP concentrations, higher concentrations (CFU ≥ 14) were the least correlated with turbidity ($r = 0.21$; $p < 0.01$; Table 2). CP and turbidity were significantly

correlated, suggesting non-point sources of fecal contamination and/or CP spores resuspended after storm events may be present.

When all FIB data were included in a linear regression, the correlation between CP and ENT was strong ($r = 0.47$; $p < 0.0001$; Table 2). The strength of the association between FIB decreased to the point of non-significance as concentrations of each FIB increased. For example, high concentrations of ENT (≥ 130 CFU) were not significantly correlated with concentrations of CP ≥ 6 CFU/100 ml indicating that environmental background noise (i.e. soil or runoff) may be causing high ENT concentrations thus diluting the correlation with CP. This is supported by the finding that CP concentrations ≥ 14 CFU/100 ml were not correlated with ENT even at low ENT concentrations ($r = 0.11$; $p > 0.05$; Table 2).

Correlations between FIB were significant at the majority of sites; each significant r_p value was >30 , indicating a medium to high strength of association (Fig. 2, Table 3). There were insignificant correlations between FIB at several sites where CP was high. For example, Ka'opala Bay had a sample outlier with a higher ENT concentration relative to the corresponding CP concentration (504 CFU/100 ml ENT; 1 CFU/100 ml CP) resulting in an insignificant correlation. Outliers for both CP and ENT concentrations existed for Cove Park (288 CFU/100 ml ENT; 52 CFU/100 ml CP) and Kalama Beach (288 CFU/100 ml ENT; 128 CFU/100 ml CP) suggesting that while these sites were largely impacted by both FIB, neither organism was a good predictor of the other at these sites.

There were eight sites with at least one sample concentration of CP >100 CFU/100 ml indicating sewage related pollution (Fig. 3). In three of those instances, the corresponding sample of ENT attained the GML. These sites were Hukilau Hotel Shoreline in 2014 (CP: 106 CFU/100 ml; ENT: <10 CFU/100 ml), Kama'ole Beach #1 in 2008 (CP: 136 CFU/100 ml; ENT: 2.3 CFU/100 ml), and Launiupoko in 2013 (CP: 193 CFU/100 ml; ENT: <10 CFU/100 ml) (Fig. 3). The highest percentages of samples indicating non-point source pollution were found at Maliko Bay (21/37 samples, 57%), Kalama Beach (30/148 samples, 20%), and Ka'opala Bay (6/59 samples, 10%) (Fig. 3).

3.3. Changes in FIB concentrations over time

Average ENT concentrations were significantly higher during the LP relative to the EP at all but one site; there were no sites that decreased in ENT concentrations over time (Table 4). Sites with the largest increases in ENT concentrations from the EP to the LP were: Olowalu Shore Front (+943% increase), Kanaha Beach (+443%), Launiupoko (+352%) and Hanaka'o'o (+315%) (Table 4). Across years, ENT concentrations significantly increased at all sites (Fig. 4A). The highest R^2 values were found at Kama'ole Beach #1 ($R^2 = 0.25$, $p < 0.0001$) and Launiupoko ($R^2 = 0.26$, $p < 0.0001$; Fig. 4A).

In contrast, average CP concentrations were significantly higher during the LP relative to the EP at 6 sites (Table 4). The largest increases in CP concentrations from the EP to the LP occurred at Hukilau Hotel Shoreline (+185% increase) and Launiupoko (+132% increase) (Table 4). Across years, Wailea Beach and Launiupoko had the highest significant R^2 values ($R^2 = 0.27$, $p < 0.0001$ and $R^2 = 0.27$, $p < 0.0001$, respectively; Fig. 4B) indicating large average increases in CP concentrations over time. At the majority of sites, at least one of the earlier years, usually 1998 or 2005, were significantly lower in CP concentrations compared to CP concentrations during later years (Fig. 4B). CP concentrations at Kihei South were relatively high compared to the other sites, however, concentrations remained high over time resulting in a non-significant correlation (Fig. 4B).

Table 3

Pearson's correlation coefficients (r_p) and linear regression model slopes (\log_{10}) examining the bivariate pairwise associations between CP and ENT during the course of the sampling period (1989–2016), n = sample size included in the regression; CFU measurements reported with qualifiers (e.g. $>$ or $<$) were omitted. Bold values indicate significance ($p < 0.05$).

Site	r_p	Slope	p	n
Honolua Bay	0.56	0.30	<0.005	28
Fleming Beach (North)	0.67	0.31	<0.0001	59
Ka'opala Bay	-0.23	-0.18	0.26	26
Hanaka'o'o	0.44	0.21	<0.0001	312
Mala Wharf, Lahaina	0.72	0.38	<0.0001	64
Lahaina Harbor	0.25	0.39	0.20	28
Launiupoko	0.40	0.30	<0.0001	257
Mahalea Condos	0.38	0.25	<0.0001	296
Mai Point 'Oe la'u	0.54	0.34	<0.005	40
Kihei (South)	0.42	0.28	<0.0001	493
Kalama Beach	0.13	0.11	0.18	104
Cove Park	0.23	0.15	0.11	50
Kama'ole Beach #1	0.37	0.32	<0.0001	239
Waihe'e Farm Shoreline	0.08	0.06	0.66	36
Nehe Point	0.80	0.34	<0.0001	61
Hukilau Hotel Shoreline	0.43	0.24	<0.0001	360
Kanaha Beach	0.58	0.40	<0.0001	445
Spreckelsville Beach	0.42	0.30	<0.0001	373
Maliko Bay	0.66	0.29	<0.005	26
Honomanu Bay Shoreline	0.62	0.84	<0.005	26

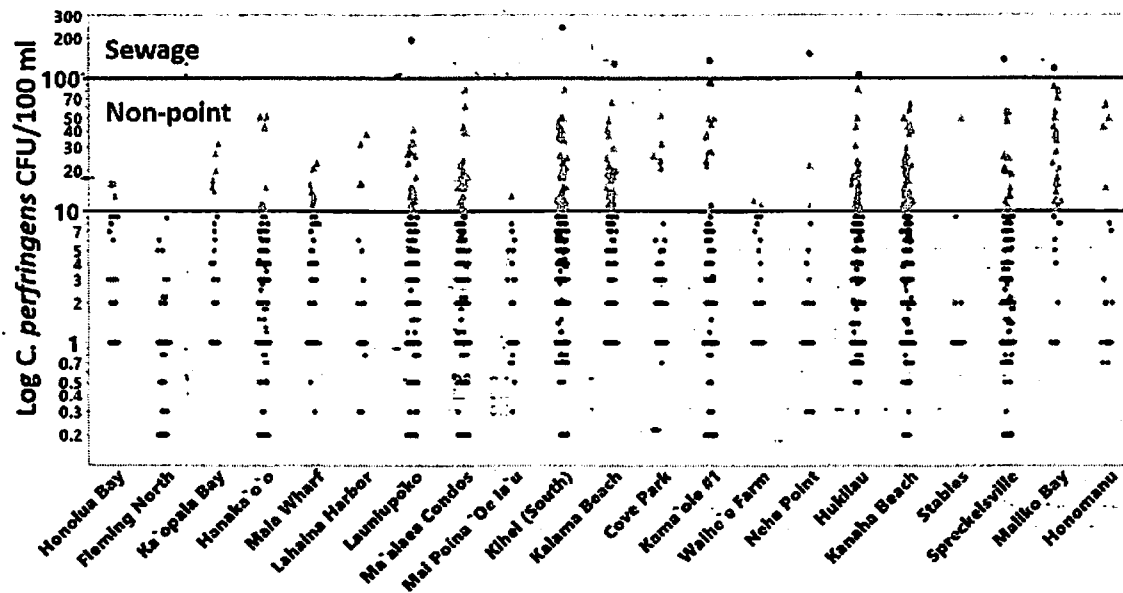


Fig. 3. Concentrations of *C. perfringens* by collection site between 1989 and 2016. The “Fung/Fujioka scale” of pollution was used to discern potential pollution sources. According to this scale, when *C. perfringens* is ≥ 100 CFU/100 ml (red horizontal line), sewage is the pollution source. Eight sites had an instance of sewage related contamination indicated by red dots. When *C. perfringens* is between 10 and 100 CFU/100 ml, non-point pollution is believed to be the source; orange triangles indicate non-point pollution. Water is considered uncontaminated when concentrations of *C. perfringens* are < 10 CFU/100 ml (green horizontal line), indicated by green dots (Fung et al., 2007). The eight points showing sewage contamination have FIB concentrations in CFU/100 ml for *C. perfringens* (CP), with the corresponding enterococci (ENT) sample as follows: Launiupoko (date: 11/7/2013; 193 CP, < 10 ENT), Kihei South (date: 2/13/1995; 240 CP, 220 ENT), Kalama Beach (date: 12/2/1998; 128 CP, 46 ENT), Kama'ole #1 (date: 7/15/2008; 136 CP, 2.3 ENT), Nehe Point (date: 2/6/2013; 153 CP, > 2005 ENT), Hukilau Hotel Shoreline (date: 10/9/2014; 106 CP, < 10 ENT), Spreckelsville Beach (date: 3/23/2016; 137 CP, 2005 ENT), and Maliko Bay (date: 4/11/2012; 118 CP, > 2005 ENT). (For interpretation of the references to colour in this figure legend, the reader is referred to the web version of this article.)

3.3.1. Launiupoko case study, West Maui

At the Launiupoko-site, between the EP and LP there was a 132% increase ($p < 0.01$) in CP concentrations and a 352% increase ($p < 0.0001$) in ENT concentrations. In samples collected from January 1994 through December 1998, the average CP concentration was 1.04 CFU/100 ml and the average ENT concentration was 1.98 CFU/100 ml. During this time period the land above the site was exclusively used for sugar cane production. The Pioneer Sugar Mill ceased operations in 1999 and the land was developed into home sites in the early 2000's. Between December 2004 and December 2009 the average concentrations were CP: 1.10 CFU/100 ml and ENT: 7.0 CFU/100 ml. Between December 2010 and October 2016, the average concentrations

were CP: 3.52 CFU/100 ml and ENT: 13.57 CFU/100 ml. Between 2000 and 2010, 246 OSDs were built upslope of Launiupoko, discharging 392,900 gal of effluent per day. Up to 10 OSDs built in the housing development were class IV cesspools (i.e. where effluent receives no treatment before being discharged into the ground).

3.3.2. Hukilau Hotel Shoreline case study, North Maui

At the Hukilau Hotel Shoreline site between the EP and the LP there was a 185% increase in CP concentrations ($p < 0.0001$) and a 342% increase in ENT concentrations ($p < 0.0001$) (Table 4). In samples collected between May 1989 and December 1998, the average CP concentration was 1.12 CFU/100 ml and the average ENT concentration

Table 4

Comparison of FIB concentrations using one-way analysis of variance tests to determine differences between the early period (1989–1998) and the late period (2004–2016). Mean values are in Colony Forming Units (CFU) for easy interpretation. The std. error is the error of the untransformed \log_{10} mean value. %Change = $[(LP-EP)/EP]$; missing values are not significant ($p > 0.05$). Bold values indicate significance ($p < 0.05$).

Maui Site	<i>Clostridium perfringens</i>									Enterococci								
	1989–1998			2004–2016						1989–1998			2004–2016					
	n	Mean	Std err	n	Mean	Std err	Prob > F	% Diff		n	Mean	Std err	n	Mean	Std err	Prob > F	% Diff	
West Fleming Beach North	30	0.832	0.067	34	1.078	0.063	0.2056	–		105	1.669	0.061	57	6.320	1.211	<0.0001	279%	
West Hanaka'o'o	15	1.096	0.114	202	1.992	0.031	0.0297	82%		28	4.888	0.148	257	20.270	1.119	<0.0001	315%	
West Launiupoko	12	0.973	0.155	204	2.254	0.038	0.0015	132%		21	2.002	0.129	207	9.047	1.099	<0.0001	352%	
West Olowalu Shore Front	20	1.056	0.046	15	1.739	0.054	0.0146	65%		91	1.698	0.057	22	17.721	1.305	<0.0001	943%	
South Ma'alaea Condos	18	1.362	0.116	193	2.507	0.035	0.0293	84%		47	2.623	0.091	200	10.321	1.106	<0.0001	293%	
South Kihei (South)	56	3.651	0.061	279	3.445	0.027	0.7067	–		85	4.820	0.077	286	10.387	1.101	0.0002	116%	
South Kalama Beach	63	7.705	0.057	49	2.461	0.065	<0.0001	–68%		99	2.860	0.058	62	7.444	1.182	<0.0001	160%	
South Cove Park	23	2.120	0.087	40	2.601	0.066	0.4201	–		43	3.299	0.089	43	11.369	1.228	<0.0001	245%	
South Kama'ole Beach #1	36	1.608	0.095	126	1.771	0.051	0.6098	–		50	2.522	0.087	176	8.754	1.112	<0.0001	247%	
North Waihe'e Farm Shoreline	29	2.132	0.065	13	1.466	0.098	0.1122	–		102	1.797	0.052	13	2.575	1.402	0.0391	43%	
North Hukilau Hotel Shoreline	16	1.079	0.105	228	3.072	0.028	<0.0001	185%		41	3.268	0.107	273	14.442	0.042	<0.0001	342%	
North Kanaha Beach	33	2.083	0.086	253	5.527	0.031	0.013	69%		49	2.554	0.094	262	13.872	1.098	<0.0001	443%	
North Spreckelsville Beach	18	2.522	0.112	198	2.580	0.034	0.9325	–		28	4.721	0.120	212	8.350	1.106	0.0535	–	

Figure 1 consists of eleven scatter plots arranged in a 5x3 grid (with the last row containing two plots). Each plot shows the Log_{10} Enterococcus concentration on the Y-axis (ranging from -1.0 to 3.0) against the Year on the X-axis (ranging from 1989 to 2017). The locations are: Hukilau Hotel Shoreline, Kanaha Beach, Spreckelsville Beach, Ma'alaea Condos, Kihel South, Kama'ole Beach #1, Kama'ole Beach #3, Wailea Beach, Hanalei'o'o, and Launupoko. Each plot includes a linear regression line and ANOVA statistics (ANOVA: $p < 0.0001$, R^2 values ranging from 0.12 to 0.26). Letters above data points indicate significant differences ($p < 0.05$).

Fig. 4. Average yearly concentrations of A) *Enterococci* and B) *C. perfringens*. Circles represent the average and the bars are 95% confidence intervals around the mean. Different letters above the points (e.g. a, b, c) indicate significant differences between years and if points share the same letter, then the difference is not significant (ANOVA and Tukey HSD, $p < 0.05$). Years with <3 samples ($n < 3$) were omitted. The red line is the slope of the regression (R^2) for all sampled data. (For interpretation of the references to colour in this figure legend, the reader is referred to the web version of this article.)

was 8.41 CFU/100 ml. Between December 2004 and October 2016, the average CP concentration was 2.51 CFU/100 ml and the average ENT concentration was 26.53 CFU/100 ml. Near Waihe'e and Waiehu there were ~380 OSDS discharging ~270,700 gal of effluent per day in 2010. A nearby Kanaha Beach collection site also had significant increases in both CP and ENT concentrations between the EP and LP (Table 4). In addition, on the North Shore from Maliko to Pukalani, OSDS ranged in density from ~1980–4239 systems discharging ~1.27–2.75 million gal of effluent/day in 2010.

4. Discussion

While ENT are highly concentrated in human sewage (Maier et al., 1999), they are also present in environmental sources in the tropics where they can exceed concentrations of 10,000 CFU/g of soil (Luther and Fujioka, 2004; Byappanahalli et al., 2012). This largely limits their efficacy as FIB in tropical waters (Fujioka et al., 1997; Gruber et al., 2005). Past research has identified CP as one of the more promising sewage-specific markers in tropical waters (Fujioka et al., 1997; EPA, 2007; Boehm et al., 2009) because elevated concentrations of CP are more closely linked to sewage-related pollution compared to ENT (Fujioka et al., 1997; Fujioka and Byappanahalli, 2001; Fung et al., 2007; Viau et al., 2011; Fujioka et al., 2015). CP has been used since the 1990s as an informal secondary FIB in Hawaiian waters (HIDOH, 2014).

We found three instances where ENT failed as an indicator of human waste, i.e. sewage contamination was detected (CP concentrations were >100 CFU/100 ml) but the corresponding sample of ENT was in attainment of the GML. These sites were Hukilau Hotel Shoreline in 2014, Kama'ole Beach #1 in 2008, and Launiupoko in 2013 (Fig. 3).

We used turbidity as a proxy for environmental contamination (i.e. soil) to investigate its relationship with ENT and CP. Our findings demonstrate that elevated concentrations of ENT (CFU ≥ 130) were significantly and positively correlated with turbidity. CP and turbidity were also correlated, although the correlation was least significant at higher concentrations of CP (CFU ≥ 14). Sources of turbidity may include storm runoff or resuspension of sand by wave action and human activities near the shoreline. While CP does not reproduce in the environment largely because it is an obligate anaerobe, previous studies suggest CP spores are capable of surviving and remaining stable in the environment for long periods of time under certain conditions (Shibata et al., 2004; Fung et al., 2007). Therefore, sources of CP under turbid conditions can be ambiguous and may indicate recent contamination, re-suspension of previous contamination or a combination of both. Regardless of the original contamination source, re-suspended CP spores are important indicators of non-point source pollution. Further studies are needed to elucidate the relationship between CP, turbidity, and non-point sources of contamination.

The EPA Recreational Water Quality Criteria (RWQC), (2012) report exclusively used point sources of sewage pollution to investigate correlations between GI disease in humans and ENT concentrations. Only one of the studies used to establish the RWQC was conducted in tropical waters, and it was deficient in several respects (Wade et al., 2010). Due in part to the small sample size of children 10 and younger, no significant results linking illness to ENT concentrations were obtained for that age group. Likewise, there were insufficient data for persons aged 55 and above. Finally, there were no instances of ENT contamination at levels higher than 35 CFU/100 ml, the current standard indicating water quality exceedances. In summary, the only evidence we are aware of linking ENT to human illness that the EPA used to establish

water quality standards was relevant to point sources of pollution in temperate waters, and the standards lack confidence that they are protective of two age demographics important to Hawaii's tourist economy.

Thus, the EPA requires states with non-point sources of pollution and/or in tropical waters to implement water quality standards that may not be indicative of site-specific health risk. This is relevant for not only Hawaii, but all states and territories where the EPA has a mandate to set standards to protect public health and safety. Like Hawaii, Puerto Rico and American Samoa have increasingly large populations contributing to non-point source pollution where use of alternative FIB standards may be necessary. Moreover, the relationship between CP and GI illness in tropical marine waters is also uncharacterized, despite attempts to raise awareness to this issue (Fujioka et al., 2015).

We found that bivariate correlations between CP and ENT were strong at low concentrations; but as concentrations of each FIB increased, correlations became insignificant. In marine waters at Hanalei Bay, Kauai, Knee et al. (2008) demonstrated that all samples testing positive for CP also tested positive for ENT, although the converse was not always true. Using CP to test for fecal contamination is a more conservative approach in Hawaiian waters and these results may extend to other tropical regions where ENT originates from environmental sources (Toranzos, 1991; Desmarais et al., 2002; Byappanahalli and Fujioka, 2004; Kirs et al., 2017).

Our proposed set of water quality standards for detecting the presence of human waste includes a CP STV 10% standard of 14 CFU/100 ml, and a CP GML standard of 6 CFU/100 ml (Table 1). In contrast, Fujioka et al. (1997) suggested that a CP GML standard of 5 CFU/100 ml be used in Hawaii. Both proposed standards had similar percentages of samples found in the interval from GML to STV and differed by only 0.96% of samples; 3.04% of samples for a GML of 6 CFU/100 ml compared to 4% of samples for a GML of 5 CFU/100 ml. For ENT, the corresponding interval from GML to STV contained 3.31% of samples. We argue that using either a CP standard of 5 or 6 CFU/100 ml together with the current ENT standard may be adequate for detecting human waste in tropical marine waters. Future studies investigating the relationship between CP and human health will refine this standard.

Understanding the relationship between FIB concentrations and risks to human health in tropical waters subject to a variety of pollution sources has been identified as a top priority (Boehm et al., 2009; Viau et al., 2011; Fujioka et al., 2015). We recommend the EPA conduct research on CP as a primary indicator in tropical marine waters experiencing both point and non-point source pollution. Furthermore, it is time for the EPA to conduct epidemiological studies characterizing the relationship between CP concentrations and human illness and support the State of Hawaii in establishing an official CP water quality standard for adoption into Hawaii Administrative Rules. Adopting CP into Hawaii State standards and its dual use with ENT could influence policy decisions on water quality monitoring in other tropical regions. We call upon the EPA to support the State of Hawaii in establishing CP as the official primary FIB.

4.1. Maui, Hawaii case studies of non-point source pollution and FIB

Past studies in Maui have provided evidence that effluent discharge from septic and cesspool systems (Whittier and El-Kadi, 2014; Amato et al., 2016) causes elevated concentrations of nutrients and turbidity in groundwater and coastal waters. The final goal of this paper was to qualitatively investigate the relationship between OSDS and elevated concentrations of CP and ENT. We examined two case studies in Maui,

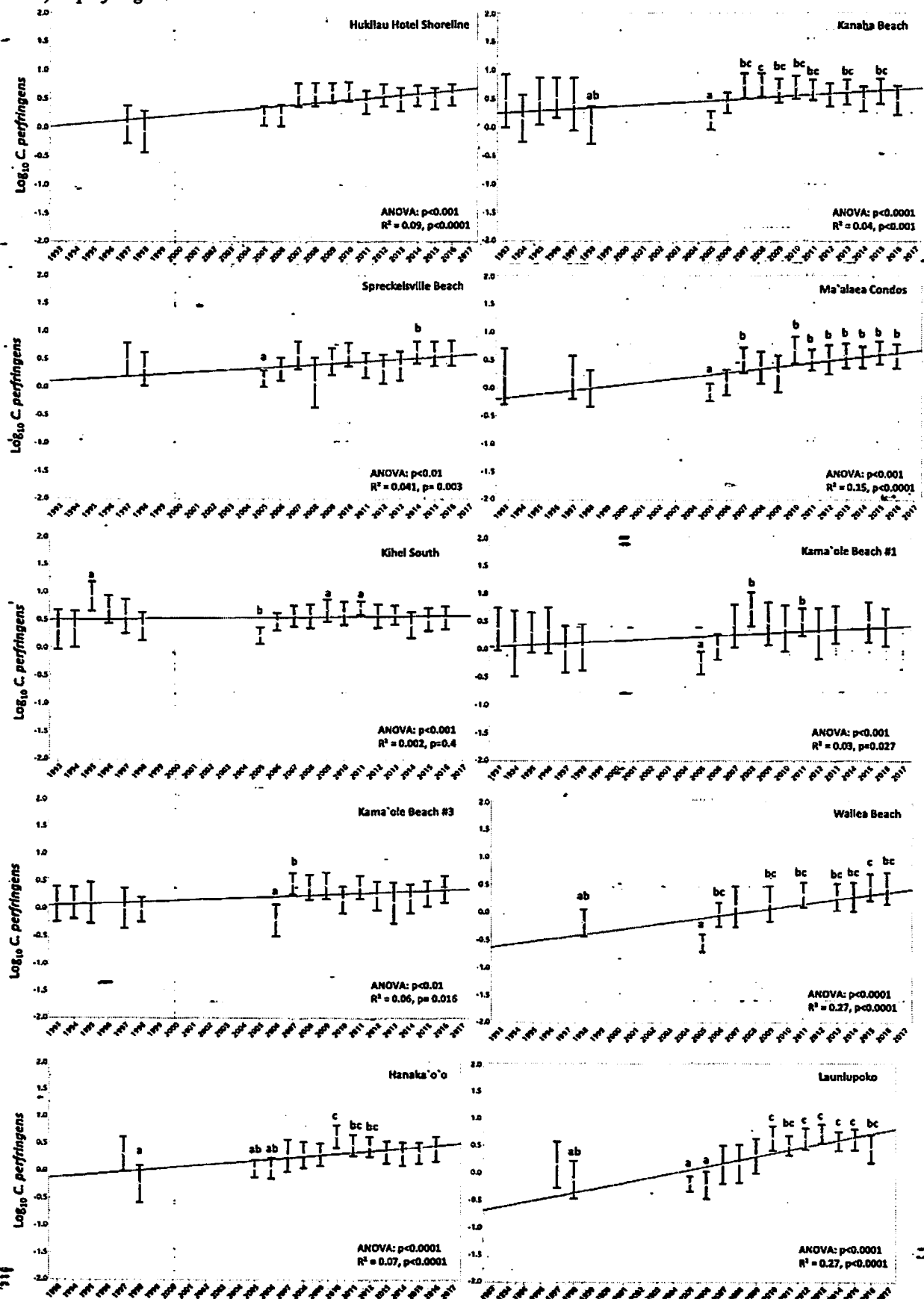
B) *C. perfringens*

Fig. 4. (continued)

Hawaii; however, we suggest these results have applicability to other tropical regions undergoing residential development.

Data from the Launiupoko site qualitatively links elevated FIB concentrations to residential development and OSDS's upslope of the collection site. Waters at the Launiupoko site significantly increased in FIB concentrations after construction of residential housing on former sugar cane fields. This increase corresponded with a sharp increase in the number of OSDSs including up to 10 class IV cesspools. This issue is ongoing. In March 2017 high ENT concentrations from heavy rains closed Launiupoko beach (HIDOH, 2018). As Launiupoko, Olowalu, Ukumehame, and areas in South Maui continue to be developed with additional OSDS, it will be valuable to monitor microbial concentrations before, during, and after development to further explore this possible causality.

Furthermore, indigenous Hawaiians report that three species of edible seaweed which were abundant 40 years ago, are no longer found along the Launiupoko, Olowalu, and Ukumehame coast (L. Magalanes, personal communication). Elevated FIB concentrations suggest that co-occurring nutrients from OSDS may be impacting these waters. However, nutrient data were not available for the Launiupoko site, and we were unable to ascertain whether there were elevated nutrient concentrations concomitant with OSDS microbial pollution. Future isotope studies could examine this relationship.

In North Maui, the area between Waihe'e to Wailuku, near the Hukilau Hotel Shoreline and Kanaha Beach sites, was identified as being at high risk from OSDS contamination to ground and coastal waters (Whittier and El-Kadi, 2014). Groundwater flow paths derived in Bishop et al. (2017) suggest OSDS effluent from the towns of Pukalani, Makawao, and western Ha'iku drain into Kaliahinui, Kailua, and Maliko watersheds and discharge along Maui's North shore. With a combined population of ~15,302 in 2010 (US Census Bureau, 2018), all three towns are serviced primarily by OSDS because they are outside County boundaries for centralized sewage service.

Whittier and El-Kadi (2014) ranked the Maliko Bay watershed at a high risk of groundwater contamination from OSDS because of the shallow depth to groundwater. The Maliko Bay site has only been sampled 26 times, and sampling did not start until 2008. Despite so few samples, a CP concentration of 118 CFU/100 ml was collected in 2012, confirming sewage related pollution. This instance, along with the high number of water quality exceedances (HIDOH, 2014) and high quantities of discharged effluent, indicate faulty and leaking cesspool systems within the Maliko Bay watershed. We recommend the Maliko Bay site and its associated watershed undergo more extensive monitoring in the future along with investigations into the existence of faulty cesspools.

Trends indicate ENT concentrations have steadily increased in Maui over the last 27 years. The substantial increase in average ENT concentrations at several of the sites, including Olowalu Shore Front (> 900% increase over the last few decades) are a cause for alarm. The sources of ENT in these areas are unknown, but one likely environmental source of ENT in West Maui is soil from runoff coming from residential developments and construction sites. Visible coastal sediment plumes have been documented at Honolulu Bay south to Hanaka'o'o after large rain events; these plumes can also cause sedimentation which kills coral (Sparks et al., 2015; Stock et al., 2016). CP concentrations in Maui have also steadily increased since 1993. While the sources causing increased CP concentrations are still unclear, one likely source is the substantial increase in OSDS.

While informative as a qualitative assessment, data from this study cannot directly link water quality impairment to specific pollution sources because molecular marker tests and bacterial community studies are required to ascertain the source of fecal bacteria (Kisand et al., 2012; Kirs et al., 2017). Future work should investigate sources of CP and the contribution of ENT from soil and runoff compared to OSDS effluent discharge into coastal waters. Scientifically determining sources of sewage-related pollution is only the first step; implementing adequate standards to protect human health and the health of tropical ecosystems is the more difficult challenge as it requires consideration

by scientists, regulators, and legislators alike. While this research focused on Hawaiian waters, our results have worldwide applicability since managers of water quality throughout the tropics and subtropics face similar challenges.

5. Conclusions

Our results indicate that ENT are highly correlated with turbidity, a proxy for environmental sources of contamination such as soil. In multiple instances, sewage contamination was not detected in ENT samples, making its sole use as an indicator of fecal contamination inadequate in tropical waters. CP is a better indicator of human waste in tropical marine waters because it is more directly linked to sources of sewage. No studies have assessed the relationship between CP and illness in humans swimming in tropical marine waters, although evidence from freshwater indicates a strong correlation (Viau et al., 2011b). In the absence of studies assessing this relationship, we propose that a CP GML water quality standard of either 5 or 6 CFU/100 ml be used to detect human waste until an official standard that protects human health is established. Additionally, we call upon the EPA to conduct epidemiological studies investigating the relationship between CP and human illness to support implementation of CP as the primary FIB water quality standard for tropical marine waters.

Increased microbial contamination noted at two sites in Maui may indicate faulty cesspools or other non-point pollution sources are present. Future research could: 1) determine the impacts of OSDS and other non-point pollution sources on the quality and health of marine waters in Hawaii, and in tropical regions Worldwide; 2) investigate the relationship between FIB and co-occurring elevated nutrient concentrations potentially originating from OSDS and other non-point pollution sources; 3) investigate the relationship between CP and human health in tropical marine waters to support the official establishment of a CP water quality standard; and 4) extend the use of CP as a sewage indicator in tropical waters to better inform management at a global level. Ideally, future studies should be conducted in territories protected by the EPA RWQC, including: Hawaii, Puerto Rico, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, and American Samoa.

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June 6, 2019

Maui County Council

RE: Testimony requesting Maui County Council DENY the proposed bill to reclassify Tax Map Key No. (2) 4-7-13: 01 (por.) and 02 (por.) and deny the proposed Polanui Gardens project which includes an exemption request to bypass the Maui Planning Commission.

RE: Testimony requesting Maui County Council DENY the proposed bill to reclassify Tax Map Key No. (2) 4-7-13:007 (por.), 008 (por.) and 010 (por.) and deny the proposed Makila Rural East Workforce Housing Project which includes an exemption request to bypass the Maui Planning Commission.

Honorable Members of the County Council:

I am asking you to deny the proposed bills listed above. Since I'm sure you will be hearing other testimony as to why this proposed bill should not be passed (existing community plan is "agriculture", new community plan in preparation, violates Maui Island Plan, which lists rural not urban", impacts to water quality, aquifers, increased runoff, impacts to traffic, etc.), I will instead focus on one issue...

Hold our developers to a higher standard

For over 200 years, businesses have profited on the "take, make, waste" (take resources, make and sell products, discard the waste) linear economy. This involves internalizing as much profit as possible while externalizing as much cost as possible onto society and the environment (cost of living, pollution, traffic, loss of natural resources, etc.). However, since things have gotten so bad, these "externalities" are starting to boomerang on businesses and impacting their bottom line because of constant lawsuits, project delays, protests and negative testimony. The good news is that more and more businesses are getting it and switching to a "do no harm" triple bottom line business approach (take care of Profit, People and Planet) and they are reaping the benefits financially and greatly reducing their risk.

We can no longer afford to have our developers promise to "minimize their damage" or strive to be "less unsustainable," we need to demand that they do "restorative" development. What does that mean? That means a development not only has zero footprint (does no harm) but actually restores native habitat, controls stormwater runoff, restores aquifer replenishment and stream flow, reduces traffic, improves food security, improves the well-being of communities and addresses affordable housing. Sound too good to be true? Well it's not. These developers exist. Take for example Enterprise Green Communities, which align affordable housing investment strategies with environmentally responsive building practices so that people living in affordable housing are healthier, spend less money on utilities, have more opportunities for

transportation, quality of food and healthcare. Since 2004, they have built and rehabilitated over 127,000 homes in the U.S. and they have gotten so good at it, they can do it for the same cost as standard development. They also have a certification program and they work with state and local governments.

If we plan to leave our keiki with healthy island resources that resembles anything like what we inherited from our parents, we need to demand that our developers meet the standards of regenerating what we have damaged. Once our developers here on Maui embrace this new way of doing business, they won't need to try and sneak these projects through, or hide from the Planning Commission, they will get full support from the community and make money doing it. Doing the right thing is no longer a cost issue, it's a leadership issue.

Thank you for your leadership on this.

A handwritten signature in black ink, appearing to read 'Mark Deakos', with a large, stylized 'M' and 'D'.

Mark Deakos, *Ph.D.*
Napili
808-280-6448

From: Shauna Buckner <sbuck315@yahoo.com>
Sent: Thursday, June 06, 2019 7:57 AM
To: County Clerk
Subject: Opposition to CC-249 and CC-250
Attachments: CC 19-250.pdf; CC 19-249.pdf; 2019-06-07 County Council Agenda.pdf

RECEIVED

2019 JUN -6 AM 8:44

OFFICE OF THE
COUNTY CLERK

Aloha Maui County Council,

With all due respect, we want to voice our strong opposition to CC-249 and CC-250 in that the zoning should absolutely not be changed from agricultural to any other zoning as the intent for this land has always been to be agricultural land.

We reside full-time in Launiupoko on Punakea Loop, which will be directly affected by these developments in a negative way that is not as the land was intended for. We use our land for ag land - we are not people who mis-use or take advantage of the land in ways that are not allowed, such as short term rentals or otherwise. We are being good stewards of the land and expect the same from others around us in Launiupoko - including big developers.

We beg of you to decide strongly against approving CC-249 and CC-250 in this spirit.

Mahalo for your consideration,

Shauna Buckner
427 Punakea Loop
(808) 298-0415

----- Forwarded Message -----

From: Deborah Belle <Deborah@mchawaii.com>
To: Deborah Belle <Deborah@mchawaii.com>
Sent: Wednesday, June 5, 2019, 5:45:24 PM PDT
Subject: County Council Meeting regarding Zoning Changes Between Haniu and the Bypass 6/7/2019

Aloha Homeowners:

On Friday, June 7th, the Maui County Council will consider two County Communications, CC-249 and CC-250. These communications introduce bills that if passed would change zoning of some sections between Haniu St and the Bypass from agricultural to urban in support of the Makila Rural East and Polanui Gardens housing developments.

As we understand it, at the meeting on Friday, the Council will formally accept the bills for consideration from the Department of Housing and Human Concerns. They will likely also decide how to handle them which may include assignment to a Council committee like the Affordable Housing Committee or the Planning and Sustainable Land Use Committee.

The two County Communications are attached to this email as is the June 7th County Council agenda.

You can provide input to the Council regarding these bills and how you'd like them to be reviewed orally at the Council meeting or by emailing to the Council. Written testimony regarding 6/7/19 County Council Agenda Items H. 1. County Communications CC 19-249 and CC 19-250 must be emailed to county.clerk@mauicounty.us by June 6th at 9AM (24 hours before the meeting).

From the Makila Plantation Board of Directors

MCH offices will be closed

Tuesday, June 11, 2019 for King Kamehameha Day

- Personal Days off:

Friday, June 7, 2019

Monday, June 10, 2019

Mahalo,

Deborah Belle, CMCA®

Community Association Manager

Management Consultants of Hawaii, Inc.

P.O. Box 10039, Lahaina HI 96761-0039

Phone: 808-661-8795; Fax: 808-667-7608

deborah@MCHawaii.com

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From: Jeff and Sue Anderson <smander@pacbell.net>
Sent: Thursday, June 06, 2019 8:48 AM
To: County Clerk
Subject: Written Testimony re 6/7/19 County Council Agenda Items H. 1. County Communications CC 19-249 and CC 19-250

RECEIVED
2019 JUN -6 AM 8:57
OFFICE OF THE
COUNTY CLERK

County Council Members,

As I understand agenda items H. 1. County Communications CC 19-249 and CC 19-250, the Council will acknowledge receipt of these two bills and decide how to handle them.

I recommend a full review, probably by the Planning and Sustainable Land Use Committee. The Council should also insist that the full impacts of all proposed projects in the area be considered in totality.

There is a history of attempted development of the makai Makila area. First, "Makila Rural" was submitted to the State LUC as one large project that was later withdrawn under criticism of the Environmental Impact Report. Then, it was subdivided into three projects, "Makila Rural East", "Makila Kai" and "Polanui Gardens", each with an urban portion just shy of the 15 acre limit that triggers State LUC review. The boundary amendment for one of these projects, Makila Kai, was submitted to the County Council in 2017 but was denied for various reasons, one of which was it was considered a segmented part of larger project impacts. The Council wanted to assess the overall impact for all three projects together.

Now, two of these split out projects, Makila Rural East and Polanui Gardens are back before you again requesting zoning changes from agricultural to urban. All of the same environmental concerns identified in the Makila Rural and Makila Kai hearings should be reviewed including, water, septic leaching, ocean and beach impacts, traffic, fire evacuation routes and the creation of dense sprawl islands within an agricultural area.

The timing of these bills is disappointing from the community plan perspective. The Maui Island Plan depicts this area as "rural" (NOT urban) since 2006 though many long time Launiupoko residents don't recall how it got changed from agriculture. The West Maui Community Plan shows the area as "agricultural" but the plan is old. The West Maui Community Plan is under revision right now. Input to the community plan collected so far supports leaving the area agricultural mostly because of lack of adjacent infrastructure and creation of isolated sprawl. By submitting the projects now, prior to the community plan completion, the community does not get a chance to weigh in on where they want and don't want new development on the West Side.

I encourage you to perform a full review of these projects considering all of them together, not individually. And, the entire project's scope should be reviewed, not just the three 15 acre 201H affordable housing projects. The affordable housing parts are small components of much larger market priced developments from a scope and financial perspective.

Jeff Anderson
619-203-9542

MICHAEL P. VICTORINO
Mayor

LORI TSUHAKE
Director

LINDA R. MUNSELL
Deputy Director



RECEIVED
2019 JUN -4 PM 2:45
OFFICE OF THE MAYOR

DEPARTMENT OF HOUSING
& HUMAN CONCERNS
COUNTY OF MAUI
2200 MAIN STREET, SUITE 546
WAILUKU, MAUI, HAWAII 96793
PHONE: (808) 270-7805

June 4, 2019

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

For Transmittal to:

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

Dear Chair King and Members:

APPROVED FOR TRANSMITTAL

Michael P. Victorino 6/4/19
Mayor Date

SUBJECT: BILL 27 (2019) A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION REGARDING THE CONSTRUCTION OF EMERGENCY HOUSING AT THE UNIVERSITY OF HAWAII, MAUI COLLEGE, DORM SITE

On May 17, 2019 Council passed first reading for the above referenced Memorandum of Understanding (MOU) between the County of Maui and Hawaii Housing Finance and Development Corporation (HHFDC). During the meeting, Council requested additional conditions be placed on the Administration in regard to the project. Those conditions included keeping the units affordable to households at 80 percent or below the HUD area median income, and requiring that the Administration seek Council approval for the project after the engineer completes the structural assessment study.

Inasmuch as Council understood that the time constraints for executing the MOU would not allow amendments to that document, these requirements were instead outlined in the ordinance under Section 3 Additional provisions. The Administration agreed to

Honorable Kelly T King, Chair
and Members of the Maui County Council
June 4, 2019
Page 2

implement these provisions as outlined in the ordinance, and will ensure compliance with these requirements.

Thank you for taking up the matter of this MOU and for assisting us by moving this agreement through Council so quickly. Should you have any questions, please feel free to contact me at Ext. 7805.

Sincerely,



LORI TSUHAKE, LSW, ACSW
Director of Housing and Human Concerns

From: allyson harney <allyonmaui@yahoo.com>
Sent: Wednesday, June 05, 2019 8:47 AM
To: County Clerk
Subject: cc19-249

I AM TOTALLY AGAINST CHANGING OUR LAND FROM AG TO URBAN. IT IS NOT FAIR TO THE RESIDENTS TO PURCHASED AND CONTRIBUTED TO THIS LAND TO HAVE THIS CHANGE.

Ally Harney
Living the Dream!

RECEIVED
2019 JUN -5 AM 9:25
OFFICE OF THE
COUNTY CLERK

County Clerk

From: John Greenhalgh <jgreenhalgh@twc.com>
Sent: Wednesday, June 05, 2019 11:15 AM
To: County Clerk
Subject: Opposed to Amed Bills CC 19-249, CC 19-250

RECEIVED
2019 JUN -5 AM 11: 19
OFFICE OF THE
COUNTY CLERK

I am opposed to the amending of Bills CC 19-249, CC 19-250.

I am also very disappointed in the lack of public notice on this proposed change, only finding out today and having only two days notice to voice mine and the communities concerns. The residents should have been advised months ago of any proposed changes to their community and given adequate time to voice their concerns and have time to plan to attend a public meeting. Which I can not due to a prior commitment.

Areas that are zoned agricultural need to remain that way on all of Maui.

The area of Launiupoko needs to remain the way it was planned as an agricultural community. All the developers care about is making money. They do not care about the citizens of West Maui. Even with the new by-pass we are experiencing traffic problems, and delays in emergencies services. Where is the water going to come from to support development such as this? Is there going to be an increase in public safety, such as Fire, Police, and Lifeguards to support the increased number of residents.

The developers are not being truthful when they say they are building to provide housing to the workers of West Maui. The homes will be cost prohibited and potentially be used for vacation rentals, which as you know is a major contributor to the lack of housing on Maui. These developers only care about one thing, making themselves richer.

Please vote no and keep Launiupoko the way it was planned.....AGRICULTURAL

Mahalo,
John R. Greenhalgh
506 Kai Hele Ku St.
Lahaina, HI., 96761
808-868-6077

CC 19-249 VOTE NO

DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR 14.390 ACRES SITUATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEY NO. (2) 4-7-13:007 (POR.), 008 (POR.) AND 010 (POR.)".

CC 19 -250 VOTE NO

DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR 14.453 ACRES SITUATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEY NO. (2) 4-7-13:01 (POR.), AND 02 (POR.)".

County Clerk

From: teresa jacques <terrijacques@icloud.com>
Sent: Wednesday, June 05, 2019 2:26 PM
To: County Clerk
Subject: CC19-249, CC19-250

RECEIVED

2019 JUN -5 PM 3:14

OFFICE OF THE
COUNTY CLERK

Regarding the above referenced 7 June agenda items for Hope Builders LLC and Kipa Centennial LLC applications for zoning change and eventual application for subdivision under Section 201H-38.

We are 100% for workforce and affordable housing options on Maui.

We are 100% against fast-track approval of these or any project with exemptions from the normally-required procedures required by the Maui County Charter and Maui County Code.

Environmental impact analysis is a must to determine and avoid detrimental impacts to the ocean, streamflow, cultural relics, native flora and fauna and existing neighborhoods from these developments, as well as to ensure the safety and quality of life for the new residents who would live there.

WHERE WILL THE WATER FOR THESE NEW HOUSES COME FROM?

You are only going to have once chance to do it correctly. The County Code and Charter were put in place for a reason. We are paying the price now for so many hasty decisions of the past. Please. No shortcuts.

Mahalo,
Teresa Jacques
Lahaina

From: Gerard Harney <gharney1@gmail.com>
Sent: Wednesday, June 05, 2019 3:40 PM
To: County Clerk
Subject: Makila Rural-East CC19-249

I live off Kai Hele Ku in Loniapoko. I am opposed to the above proposal calling for the effective rezoning of Ag land to Urban, on a fast track basis and without prior Planning Commission review and input for the following reasons:

1. The proposed development will substantially increase the density of the land as zoned, negatively impacting the existing agricultural land and community.
2. By fast tracking thru the normal planning process, water, traffic and fire safety issues may not be adequately addressed.
3. The density and proposed use of the development will negatively impact real estate values in the area, resulting in a loss in assessed values and taxable revenues to the County.
4. The grassy nature of the surrounding land and its propensity to ignite into uncontrollable wild fires like occurred last year will present an imminent and immediate danger to those who buy homes in the proposed development , a foreseeable additional burden on the Fire Department in fighting fires in such dense homes conditions, and to the rest of the Community given the likely event that such fires will propagate to surrounding homes and productive farm uses.

There are many other issues which should be considered. All I am saying now is that a radical change in zoning as required by this development should be reviewed carefully and in the usual planning process.

Respectfully, Gerard Harney 808--829-8059

RECEIVED
2019 JUN -5 PM 4:00
OFFICE OF THE
COUNTY CLERK

From: jmaher@hawaiiantel.net
Sent: Wednesday, June 05, 2019 3:35 PM
To: County Clerk
Subject: CC 249 and CC 250

To the esteemed members of the County Council of Maui,

I am writing to express my opinion about two county communications that will be up for discussion by the County Council on Friday June 7th: CC 249 and CC 250. I have read both of these communications and understand that both are requesting a zoning change from agricultural to urban for two parcels makai of Haniu Street in Lahaina.

I am opposed to these or any future zoning changes that would rezone existing agricultural lands. I am opposed to the high density development that such changes would permit. This area is one of the few remaining open spaces on the West side and we need to preserve both agriculture and open space wherever we can. The traffic in this area is already ridiculous and Lahaina is getting increasingly crowded by the day. No more development on Maui's agricultural lands!

Thank you for your attention.

Sincerely,

Janet Maher

RECEIVED
2019 JUN -5 PM 4:00
OFFICE OF THE
COUNTY CLERK

From: keytolyf@aol.com
Sent: Wednesday, June 05, 2019 9:24 PM
To: County Clerk
Subject: County Council meeting June 7 to Amend State Land Use District Classification for Makila Rural East and Polanui Gardens

Gregory and Bernadette Owens

P.O. Box 11286
Lahaina, HI 96761
(808) 357-0031

RECEIVED
2019 JUN - 6 AM 8:43
OFFICE OF THE
COUNTY CLERK

June 5, 2019

DEPARTMENT OF HOUSING & HUMAN CONCERNS
COUNTY OF MAUI
2200 MAIN STREET, SUITE 546
WAILUKU, MAUI, HAWAII 96793
PHONE: (808) 270-7805
county.clerk@mauicounty.us

RE: Makila Plantation Phase I, Lot 5, 16.055 acres
TMK (2) 4-7-001:005

SUBJECT: COUNTY COUNCIL MEETING REGARDING ZONING CHANGES BETWEEN HANIU AND
THE LAHAINA BYPASS - A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE
DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT
(CONDITIONAL BOUNDARY AMENDMENT) FOR:
A. 14.390 ACRES SITUATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEY NO. (2) 4-7-13:007
(POR.), 008 (POR.) AND 010 (POR.)
B. 14.453 ACRES SITUATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEY NO. (2) 4-7-13: 01
(POR.) AMD 02 (POR.)

Dear Chair King and Members:

Please accept this as written testimony regarding the aforementioned to be discussed at your meeting 6/7/2019. Please note that my wife and I were notified of said meeting by our Makila Plantation HOA only this evening despite having previously registered with wearewestmaui@mauicounty.gov mauicounty.gov/planning. We have been informed by our HOA that on "Friday, June 7th, the Maui County Council will consider two County Communications, CC-249 and CC-250. These communications introduce bills that if passed would change zoning of some sections between Haniu St and the Bypass from agricultural to urban in support of the Makila Rural East and Polanui Gardens housing developments. As we understand it, at the meeting on Friday, the Council will formally accept the bills for consideration from the Department of Housing and Human Concerns. They will likely also decide how to handle them which may include assignment to a Council committee like the Affordable Housing Committee or the Planning and Sustainable Land Use Committee." As such, we wish to provide input to the Council regarding these bills and thus are emailing you our written testimony regarding 6/7/19 County Council Agenda Items H. 1. County Communications CC 19-249 and CC 19-250. We apologize for the brevity of the information provided but the June 6th at 9AM (24 hours before the meeting) deadline for submitted applications necessitates our limited response. Ideally, we would appreciate the opportunity to provide you and your members a more detailed description of the subdivision we wish to create if only afforded more time.

My wife and I currently reside on 16.055 acres in Lot 5 of the Makila Plantation Phase I Subdivision in Launiupoko, directly adjacent and contiguous to the proposed subdivisions seeking conditional boundary amendments. We wish to have our property included along with the other two subdivisions being considered for Bills for an ordinance to amend the state land use district classification from Agricultural District to Urban District. We too seek authorization for the reclassification of certain land situated at Lahaina, Maui, Hawaii, identified for real property tax purposes by Tax Map Key No. (2) 4-7-001:005 (POR.) from the Agricultural District to the Urban District (Conditional Boundary Amendment), pursuant to Section 205-3.1, Hawaii Revised Statutes, and Chapter 19.68, Maui County Code. With the Maui County Council considering the two County Communications, CC-249 and CC-250, and introducing bills that, if passed, would change zoning of some sections between Haniu St and the Bypass from agricultural to urban in support of the Makila Rural East and Polanui Gardens housing developments, we believe that it is only logical for you and your members to approve our request. After

all, we are directly adjacent and contiguous to the proposed subdivisions seeking conditional boundary amendments, our property is located within the sections specified between "Haniu St. and the Bypass," our lot is 99.997% undeveloped and, since the developer of our Lot, West Maui Land, Co., who is being considered here for their Makila Rural East subdivision, has, pursuant to requirements written into our CCR's that require us to change zoning before being afforded the opportunity to subdivide, it is only logical and Pono to consider our request. Should we not be granted said request for inclusion, at a minimum, West Maui Land Co. should, as part of their approval process, be required to exempt our being required to seek a change in zoning as required by our CCR's, should include our property in the Maui Island Plan and Urban Growth Boundaries, and to assist us in the subdivision process. That is, of course, that both the County and West Maui Land are intent on helping with Maui's housing crisis by doing the right thing. Ideally, as stated, we would wish to subdivide into smaller Agricultural lots. However, since WML is not willing to release us from the restrictive Covenants that were written into our CC&Rs requiring that we obtain a change in zoning before being able to subdivide, we need your help to either amend the state land use district classification from Agricultural District to Urban District (Conditional Boundary Amendment) as is being afforded to both West Maui Land Co. (Makila Rural East) and to Polanui Gardens or to have West Maui Land Co. simply be required to release us from this covenant as part of their approval process.

My wife and I respectfully request that this matter be entered as part of our written testimony and referred to the appropriate Council committee for review and discussion.

We appreciate your attention to this matter and sincerely thank you for any and all help that you may provide. Please do not hesitate in contacting us should you have any questions regarding the aforementioned.

Sincerely,

Greg Owens, D.C.

From: keytolyf@aol.com
Sent: Thursday, June 06, 2019 6:03 AM
To: County Clerk
Subject: County Council meeting June 7 to Amend State Land Use District Classification for Makila Rural Ea

RECEIVED
2019 JUN -6 AM 8:43
OFFICE OF THE
COUNTY CLERK

Gregory and Bernadette Owens

P.O. Box 11286
Lahaina, HI 96761
(808) 357-0031

June 5, 2019

DEPARTMENT OF HOUSING & HUMAN CONCERNS
COUNTY OF MAUI
2200 MAIN STREET, SUITE 546
WAILUKU, MAUI, HAWAII 96793
PHONE: (808) 270-7805
county.clerk@mauicounty.us

RE: Makila Plantation Phase I, Lot 5, 16.055 acres
TMK (2) 4-7-001:005

SUBJECT: COUNTY COUNCIL MEETING REGARDING ZONING CHANGES BETWEEN HANIU AND
THE LAHAINA BYPASS - A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE
DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT
(CONDITIONAL BOUNDARY AMENDMENT) FOR:
A. 14.390 ACRES SITUATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEY NO. (2) 4-7-13:007
(POR.), 008 (POR.) AND 010 (POR.)
B. 14.453 ACRES SITUATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEY NO. (2) 4-7-13: 01
(POR.) AMD 02 (POR.)

Dear Chair King and Members:

I wish to add information to my previous submission of testimony and have it read and entered into the record regarding the aforementioned. My wife and I, after discussing the matter in bed, both agreed how it is unfair that we were given less than 24 hours to respond to a major issue like this that directly affects us and our property. This has been the case repeatedly and so often that it appears to be standard operating procedure for both the developers and the County alike. As mentioned, our property is adjacent and contiguously connected to the proposed development yet we are given virtually no time to respond to the proposal. If it weren't for our association, we would have not been given any warning at all and it wouldn't have been the first time. Additionally, despite our property being virtually identical to those lands of the developer under consideration for development—being within the specified area, 99.987% vacant, etc., we are being denied the very same opportunity. Moreover, these very same developers who are clamoring to have their subdivisions approved on behalf of helping to ease the affordable housing crisis on Maui are the very same developers who have written into our CCR's restrictive covenants preventing us from doing the same. When I personally questioned one of their representatives, Rory Frampton, representing West Maui Land Co., he said that had they (WML) put my property and that our Makila Plantation Subdivision into the Maui Island Plan and the Urban Growth Boundary, it would jeopardize their efforts to do what they're doing now. No wonder the following statements were made when I sought counsel regarding subdividing my property in the past:

*"Anyone can tell that they (the developers) drew all this sh*t up!"*

Elle Cochran, County Council

"It seems all of the other lots mauka of the Proposed Lahaina Bypass are zoned rural and within the proposed general growth boundaries except for Dr. Owens Lot and his neighbor's lot which seemed to have been purposely left out of the rural area and remains Ag."

Patrick Ihu, developer

In other words, if you and your members truly look over what I have provided, and what I've submitted to Planning on the subject, I'm sure that you'll come to exactly the same conclusions that both Elle and Patrick came to. As such, my wife and I humbly ask that you and your commission either assist us in being included in the process by having our property located within the Boundary be considered for amending the State Land Use District Classification from Agricultural District to Urban District (Conditional Boundary Amendment) as is being done with Makila Rural East and Polanui Gardens or in having them be required, as part of their approval process, to remove the restrictive covenants placed into our CCRs preventing us from further subdivision as described and have their help, with the County's approval, to include us into the Maui Island Plan/Urban Growth Boundary so as to enable us to also help with the current housing crisis through being able to further subdivide our Ag property. To do so otherwise would be to invite public scrutiny/opinion to believe that only the privileged are granted the ability to do so.

Please note that my wife and I live in Launiupoko and we are proud to say that we have lived in Maui and served our community serving their chiropractic needs for over 26 years. I am most commonly known as Dr. Hugs. We have constantly striven to give to our community. We cannot simply break away from the needs of our community at the drop of a hat to testify when only given 24 hours notice. It is hoped that, unless the large developers are required to release us from their restrictive covenants requiring us to rezone from Ag to Rural, that you assist us in our request to be included in the above process and grant us the exact ordinance to amend the State Land Use District Classification from Agricultural District to Urban District via Conditional Boundary Amendment, as you are proposing to do for both Makila Rural East and Polanui and we hope that you assist us in our efforts to either have us included along with Makila Rural East and Polanui and change our zoning from Agricultural to Urban or to have them release us from our covenants as described and allow us to further subdivide as Agricultural. Please do not hesitate in contacting us should you have any questions or comments. Your assistance in this matter is greatly appreciated.

Please do not hesitate in contacting us should you have any questions regarding the aforementioned.

Sincerely,

Gregory M. Owens, D.C.
Mahalo

From: Laurent Joly <ljoly54@outlook.com>
Sent: Wednesday, June 05, 2019 6:25 PM
To: County Clerk
Cc: margotthom@outlook.com
Subject: Input to the Council regarding CC-249 and CC-250

RECEIVED
2019 JUN -6 AM 8:44
OFFICE OF THE
COUNTY CLERK

Maui County Clerk

Subject: Input for June 7, 2019 meeting of the Council of Maui County – Agenda Item H

TMK: (2)4-7-013:001, 002, 007, 008 and 009

To all members of the Council,

We are writing this letter following the recent publication of your June 7, 2019 agenda. We have numerous concerns in terms of how this development will definitively impact our neighborhood, the environment and our community. We believe these are more important than creating profits for property developers and contractors: these are the main driving force to keep this project on the table. Greed is persistent. We are very discouraged by what is being proposed and determined to oppose it in every way. We hope the democratic process has not and will not be tampered with. Time will tell.

There is no adequate water supply for this development given the existing water shortages for nearby agricultural developments, as evidence by recent water shortages, the changes by the Water Commission and last summer wild fires. With already approved Makila lots not fully sold or developed yet, we all know water shortages are a challenging reality. The proposed new development will very significantly augment the demand for water: where would it come from, given that existing property owners already face water shortfall issues.

Traffic is another significant issue, as the proposed new development will cause more road congestion at the top and bottom of Kai Hele Ku Street and Hokiokio. The number of vehicles would triple and this certainly will cause great inconvenience to existing residents and others. Tripling of traffic will result in more accidents and more injuries.

We are also concerned about general safety. We know this is an area where emergency evacuation routes and speed of evacuation are important. Whether caused by tsunami threats or spreading wild fires (which have occurred and will continue to occur, the evacuation efficiency will be reduced if the proposed development goes forward, with eventual sad consequences to human beings and properties. This can be prevented by not allowing the proposed development.

The soil in our Makila Rural Community area is mostly designated as good soil. The well advised policy of the state of Hawaii is not to remove good soil areas from agricultural use. It is not because farm land is not being farmed that it cannot be farmed. Maui already imports way too much of its food supply. It is prudent for the island to cherish and protect its better soil areas for future generations.

Sewage treatment is another major concern. The Plan calls for a sewage treatment plant on the property. How will smell wafting up to the neighboring development be avoided? And what plan is in place to prevent sewage from flooding and overflowing during storms and who would monitor these issues in the future. Property developers are good at making promises and letting people down in the future.

We often see Nenes flying up from the direction of the fields below, so this area is likely to be Nene habitat. What is being done to ensure that Nene habitat is not disturbed?

In terms of planning, this plan obviously does not conform to the Maui Island Plan's requirement for 50% or greater open space. According to the US EPA, Open space is any open piece of land that is undeveloped and is accessible to the public. This Makila Rural Community Plan achieves its 50% open space requirement by including portions of people's lots as open space. This is certainly not the right way to measure open space. Since when do we count people's backyards as parks or open space. They are not accessible to the public and therefore should not count towards the 50% requirement.

Also, it should be obvious that the plan does not conform to the Maui Island Plan because it contains a large urban core which will include smaller lots for workforce housing. The workforce housing should be on the same size lots as the remainder of the housing. There is no provision for 40 acres of urban in the Maui Island Plan.

We have chosen to live on agricultural land and are working hard to respect the land designation, by farming our land. Our investments in money, time and labor have been made because of the Ag designation. The designation of part of our area should not be changed for the convenience and financial gain of developers, who already have made tremendous financial gains by selling us the land which we are now trying to protect. They are obviously amoral and are only driven by more financial gain.

We must all work together to preserve Maui agricultural lands and the character of our community.

Let common sense prevail for the good of Maui and its people, and of its future. Once Ag land is gone, it is gone forever. Who wants that?

I don't think the Council should proceed without conducting a referendum in the Laniupoko community. Democracy is our greatest asset, let's preserve it.

Sincerely,

Margot Thom and Laurent Joly

936 Punakea Loop

Lahaina, HI

96761

808-419-8804

RECEIVED

From: Doris Lang <doelang@yahoo.com>
Sent: Thursday, June 06, 2019 5:44 AM
To: County Clerk
Subject: CC19-249 & CC19-250

2019 JUN -6 AM 8: 44

OFFICE OF THE
COUNTY CLERK

June 6, 2019

RE: CC19-249 and CC19250

Aloha County Council,

I am writing to oppose the recent request for the Makila Rural-East Plan concerning the Makila East workforce Housing Project and the Polanui Gardens project for the following reasons...

1. The West Maui Community Plan is in process and is not complete! Hundreds of westside residents have attended, participated informational days and workshops over the past year. One of the highest opposition from the public is development and our voices need to taken into account.
2. In 2013, Olowalu was threatened by proposed development and I was there and it failed to pass In 2017, Launiupoko/Makila was threatened by proposed development Makila Kai and I was there and it failed to pass.
3. The same developer is back again with proposed Makila Rural-East. The oppositional reasons are the same as 2013 & 2017 only they have increased.
4. The Makila area It is NOT a place for affordable housing. The developer is using the 201H to fast track a much larger plan. There is affordable housing being built in Lahaina.

PLEASE DO NOT ALLOW THE ZONING TO BE CHANGED FROM AG TO URBAN I cannot express enough how tired I am to have to REVISIT this issue for the 3rd time. ENOUGH!!!

Mahalo,

Doris Lang
186 Paia Pohaku Place
Lahaina

From: Jim Petersen <JPetersen@petersendean.com>
Sent: Thursday, June 06, 2019 6:45 AM
To: County Clerk
Cc: Jim Petersen
Subject: CC-249 and CC-250

RECEIVED
2019 JUN -6 AM 8:44
OFFICE OF THE
COUNTY CLERK

Dear Chair King and Members,

I am writing as a result of my concern and opposition to the proposed land use change from "agricultural" to "urban" in the above referenced area. Notwithstanding the fact that we were just notified about this very significant land use change less than 40 hours before the land use change being considered, but the fact that the environmental impact on the area and the existing homeowners being impacted by the change is potentially catastrophic.

By way of background I am the owner of a large renewable energy company on the island. My firm employs over 500 workers on Maui and I understand the need for affordable housing. However, when I purchased my home in the subject area, I did so knowing what the zoning was and I did so with the understanding by the developer that the shortage of water in the area was such that the area could not support any large scale development. I bought into the "agricultural zoning" and the one home per five acres and I bought into the water, or lack thereof. To think that there may now be a "willy nilly" zoning change that could have major environmental impacts on the precious resources that we have now is unthinkable. Not to mention the precedent that it will set on other demands for zoning changes in the area? In other words, can I apply to have my five acres re-zoned to "urban use" and build 25 homes there? And if not why? What about my neighbors?

I am apposed to the zoning change and so are my neighbors. We respectfully request that the application for "urban" use be denied.

Very truly yours,

Jim Petersen
CEO Haleakala Solar.

Jim Petersen – President / CEO
39300 Civic Center Drive #300
Fremont, CA 94538



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Solar Power World

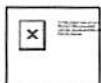
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If you need to reach the senior management team at PetersenDean please contact us at prioritycare@petersendean.com

RECEIVED

From: J/T Petersen <jimpatpet@gmail.com>
Sent: Thursday, June 06, 2019 7:25 AM
To: County Clerk
Cc: JT Petersen
Subject: In re: CC-249 & CC-250

2019 JUN -6 AM 8:44

OFFICE OF THE
COUNTY CLERK

Dear Chair King and Members,

We are writing to voice our opposition to the above referenced County Communications. We are homeowners of one of the parcels immediately adjacent to the proposed project and vehemently oppose it for numerous reasons.

Notwithstanding an obvious reason of obstructing and encroaching on our views of the moana, for which we paid dearly for, there are several reasons affecting the community-at-large, for which this proposal should be denied.

Launiupoko is zoned agricultural. As a part of land use in the Maui Island Plan and the zoning as is currently stands, most, if not all, of the parcels in Launiupoko have a farm plan. In furtherance of these farm plans, there is a heavy dependence upon water provided by the Launiupoko Irrigation Company. Launiupoko is also very dry and doesn't receive much rainfall as it were. As of March 2018, nonpotable water has been regulated and restricted. All of the properties were forced to shift to more usage of potable water, at much higher rates. Water in the region already is scarce. Add in the restrictions on nonpotable water for irrigation and the water resources in Launiupoko are maxed out and tapped out. It would become unduly burdensome for the property owners in the agriculturally zoned area of Launiupoko to have much needed water for agricultural use to be redirected for urban use for the 50 units (presumably approximately 200 more people) in the carved out rezoned area as proposed. This region of land is one of the worst areas to rezone away from agriculture and further burden the water supply system.

Additionally, the traffic situation would worsen in the area as well as in West Maui as a whole. As it is, there is only one way in and out of West Maui. The approximately 10+ mile stretch of highway between Ma'alaea and Launiupoko is only one lane in both directions. In the event of an emergency or natural disaster that affects this stretch, West Maui becomes effectively cut off from the rest of the island. The current infrastructure desperately needs to be built up and improved upon to support the growing population of West Maui. While building more high density subdivisions for affordable housing is needed, what is more emergent is building more infrastructure to support the people already in the area.

With all due respect, while the intent behind the project is understandable and needed, the proposed location in Launiupoko is the wrong place to build for the reasons stated above.

Respectfully yours,
Tricia Petersen

RECEIVED

2019 JUN -6 AM 8:44

OFFICE OF THE
COUNTY CLERK

June 6, 2019

Dear City Council,

My wife and I attended all of the meeting you provided for input regarding what should happen on the west side of Maui. We saw all of the maps that showed the different zoning changes that they had made up from all of the input received. The lady from your department informed me that it would be six months of public input before anything happened. This occurred in early April 2019. I am very surprised to see that now all of a sudden it is going to be a vote. I am totally against these zoning changes, as traffic issues on the west side need to be dealt with before any more housing goes in. I am also concerned that the process used to get consensus from the public was flawed. Anyone could email in and give an opinion as many times as they wanted. This allows developers to sway the vote in their favor. Everyone we spoke to at all the meetings were not in favor of any of the zoning changes that are currently being contemplated. We spoke to a lot of people and we are concerned that this is not what people want.

If you would like to talk to me further, I can be reached at (707) 527-2204

Thank you for your help in this matter.


Steve Strombeck

County Clerk

From: Mark Nigh <menigh@gmail.com>
Sent: Thursday, June 06, 2019 8:56 AM
To: County Clerk
Subject: Makila rezone proposal

RECEIVED
2019 JUN -6 AM 8:57
OFFICE OF THE
COUNTY CLERK

To whom it may concern:

I am submitting this email to request you reject this request.

This request is part of 3 separate requests that you will get about rezoning those 3 properties separately. Combined these represent and attempt to rezone the entire collection a few years ago that was rejected.

My biggest concern, other than the obvious ones of water, septic/sewer, traffic, etc is that the developers are trying to use a loophole for workforce housing to push through a bigger agenda, ie market rate lots or housing. They are cramming close to 50 workforce units in just under 15 acres so they get below the magic 15 acre mark so that can then get 50 market rate lots which also require rezoning to make happen. If the developer was really concerned about workforce housing as he says then he would do it the right way and give them more space per unit.

Please don't let this development and the 2 more that are coming behind it use loopholes to bypass the right way of doing it. If the project makes sense then they should use the regular channel.

Also, wearemaui.org is I the process of planning and these options were in their list of 4 and that process should be allowed to happen since community input was taken that could impact these recommendations.

Mahalo for your time,

Mark Nigh
609-209-6408

From: MARK ALBERS <omwao@icloud.com>
Sent: Thursday, June 06, 2019 12:35 PM
To: County Clerk
Subject: CC19-249

RECEIVED

2019 JUN -6 PM 12: 59

OFFICE OF THE
COUNTY CLERK

To Whom it may concern:

I am writing to strongly oppose the irresponsible development of the Makila lots and allowing the change of their status from Ag to urban. CC19-249

This is clearly an attempt for greed to win out over preserving the quality of life for the people who already live in the surrounding neighborhoods.

This development attempt has not been fully disclosed to the nearby residents and it needs to be deferred and publicized so that everyone can be informed of it's affect on their lives.

West Maui is congested enough and it is WRONG and irresponsible that this development would have an exemption and not be required to go through the Planning Commission and not involve an environmental impact study.

The last thing this island needs is more development by the very wealthy so they can add more zeros to their bank account. When are the righteous people in positions of power going to wake up and stand up for preserving the open space that is left and stop the pollution of dirt and waste water from further destroying our ocean and coral reefs.

Please do the right thing and stop the GREED.

Mahalo, Mark and Suzanne Albers....Launiupoko full time residents.

County Clerk

From: mailjoanne@roadrunner.com
Sent: Thursday, June 06, 2019 9:02 PM
To: County Clerk
Subject: CC 19-249

When will this ever end? When the hillsides are completely covered from here to Kapalua and a trip to Kahului takes two hours each way. We do not have the infrastructure for West Maui to build more homes. We understand that there is a housing shortage, but it is our belief that the West side would be better served if the Developers worked with the DOT to see that there was just one more artery for access to the other side and vice versa. I have another issue to address, there was a major fire in Launiupoko last August. Bob posted photos of our property showing how it had been encircled by flames after the fire. The family two doors away, lost it all. Many of us were greatly affected, all of us were horrified. At one point there were three police vehicles willing to try to evacuate us...we wouldn't and they couldn't. These people actually expect us to want more housing when we can't even leave the area during a major crisis??? Please. Why would anyone want to jam up the roads with even more vehicles. Why? Greed and they won't be living here.

JoAnne and Robert Applegate
150 Lau'awa Place



Testimony of Kamanaʻopono Crabbe, Ph.D
Ka Pouhana, Chief Executive Officer

County of Maui
County Council
County Communication No. 19-248

REGARDING THE FERAL CAT PROBLEM ON MAUI

June 7, 2019

9:00 a.m.

Council Chamber

The Administration of the Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on County Communication No. 19-248, regarding the “Feral Cat Problem on Maui.” **OHA appreciates the Council’s attention to this issue of longstanding concern, and offers the following comments and references to inform the Council’s discussions on this matter.**

OHA is the constitutionally-established body responsible for protecting and promoting the rights of Native Hawaiians, and serves as the principle agency responsible for the performance, development, and coordination of programs and activities relating to Native Hawaiians; assessing the policies and practices of other agencies impacting Native Hawaiians; and conducting advocacy efforts for Native Hawaiians.¹ In furtherance of its constitutional mission, OHA has adopted strategic priorities of ‘Āina, which focuses the responsible stewardship of Ka Pae ‘Āina o Hawai‘i; **Mauli Ola**, which focuses on promoting healthy lifestyles and reduced rates of chronic diseases for Native Hawaiians; and **Mo‘omeheu**, which focuses on preserving Hawaiian culture and promoting participation in cultural activities. It is with these kuleana in mind that OHA offers the following comments.

1. Introduced cat populations have devastating effects on island ecosystems and native species.

Published sources have made it abundantly clear that cats can have devastating impacts on native ecosystems and species, particularly in island settings. Through food competition, disease transmission, predation, and displacement, numerous studies have found that cats have directly and indirectly contributed to the endangerment and extinction of dozens of native species; a 2011 study concluded that, on island ecosystems throughout the world, “feral cats preyed on at least 175 endangered vertebrates (25 reptiles, 123 birds and 27 mammals) and are at least in part responsible for 14% of global bird, mammal and reptile

¹ HAW. CONST. ART. XII SEC. 5; Haw. Rev. Stat. (“HRS”) § 10-3.

extinctions, currently affecting 8% of critically endangered birds, mammals and reptiles.”² Native birds appear particularly sensitive to cat introductions: for example, in the Phoenix Islands, the threatened bristle-thighed curlew (known as kioea in Hawai‘i) can no longer be found on islands with feral cat populations; in Tuamotu, feral cats compete with the endemic and critically endangered Tuamotu kingfisher; on Kerguelen Island, the reproductive success of the native skua has greatly decreased as a result of competition with feral cats; on Ascension Island, feral cats limit settlements and often kill sooty terns, masked boobies, and frigates; and in Port Cros island in the Mediterranean, cats are responsible for the high mortality rates of young Yelkouan shearwaters.³

The Hawaiian archipelago is no exception to the long list of islands whose ecosystems have been impacted by cat introductions. As early as 1903, an ornithologist reported how “on Lāna‘i, in walking up a single ravine, I counted the remains of no less than 22 native birds killed by cats.”⁴ Unfortunately, feral cat predation on Hawai‘i’s threatened and endangered bird species continues to this day: between 2012 and 2015, the Kaua‘i National Wildlife Refuge attributed the deaths of 237 endangered waterbirds to feral cats alone; in addition, feral cats have also been documented predating on Newell’s shearwaters, wedge-tailed shearwaters, the O‘ahu elepaio, ‘ala‘e, and Hawaiian petrels, among others. **In one recent case on Kaua‘i, a single feral cat has been estimated to have killed 101 endangered birds over a six month period.** In addition to depredation and associated displacement from critical habitat, forensic evidence now suggests that cats may also impact a range of endangered native species through the transmission of fatal diseases, such as cat-borne toxoplasmosis;⁵ **dead specimens of critically endangered ‘alalā and ‘iliihōloikaua, as well as nai‘a, have been found to have been infected by this disease.**⁶ Even native plant species

² Medina, et. al., *A Global Review of the Impacts of Invasive Cats on Island Endangered Vertebrates*, GLOBAL CHANGE BIOLOGY, 2011, at 3509 (emphasis added); see also Medina, et. al., *Underlying Impacts of Invasive Cats on Islands: Not Only a Question of Predation*, BIODIVERSITY CONSERVATION, 2014, at 328.

³ Medina, et. al., *Underlying Impacts of Invasive Cats on Islands: Not Only a Question of Predation*, BIODIVERSITY CONSERVATION, 2014, at 327-338.

⁴ Kim Steutmann Rogers, *Feral Cats are a Serious Threat to Hawai‘i’s Endangered Birds, Monk Seals and Dolphins*, HONOLULU MAGAZINE, Oct. 12, 2016.

⁵ Toxoplasmosis results from infection by *Toxoplasma gondii*, a parasite that reproduces only in the digestive tract of felid, and that spreads through consumption of oocytes or transmission by mosquitoes or other insects. Oocysts can remain infectious even after extended periods in harsh conditions, and can survive for more than a year in warm moist soil, up to a few years in cold water, and for six months or longer in seawater. D.S. Lindsay, et. al, *Sporulation and survival of Toxoplasma gondii oocysts in seawater*, 50 J. EUKARYOT MICROBIOL 687 (2003); see also THE CENTER FOR FOOD SECURITY AND PUBLIC HEALTH AT IOWA STATE UNIVERSITY, TOXOPLASMA INFECTION 2 (2017), available at <http://www.cfsph.iastate.edu/Factsheets/pdfs/toxoplasmosis.pdf>.

⁶ Thierry M. Work, et. al., *Fatal toxoplasmosis in free-ranging endangered ‘alala from Hawaii*, 36 J. OF WILDLIFE DISEASES 205, 210 (2010); NOAA Fisheries, *A Cat-apostrophic Threat for Seals - How Toxoplasma gondii makes its way from mountain to ocean*, <https://dlnr.hawaii.gov/hisc/files/2018/03/toxoplasmosis-faq-fnl.pdf> (last accessed March 15, 2018); Paul Kvinta, *Hawaii’s crazy war over zombie cats*, OUTSIDE MAGAZINE, October 28, 2016; Associated Press, *Dolphin found to have died from parasite found in cats*, HONOLULU STAR-ADVERTISER, May 4, 2016.

may be indirectly impacted by the loss of native pollinators and other native fauna threatened by feral cats.⁷

Not surprisingly, feral cats, including cats that have been trapped, neutered, and “returned,” have now been added to Hawai‘i’s most impactful invasive species list, and have been recently recognized as one of the top 25 invasive terrestrial species in the Western United States.⁸ Without proactive and timely controls over our ever-increasing feral cat population – estimated to number 300,000 on 600,000 on Maui alone⁹ – many culturally and ecologically significant native species may face devastation and even potential extinction in the near future.

2. The prevalence of feral cats may increase the exposure of Native Hawaiian cultural practitioners and subsistence community members to zoonotic diseases and parasites, and negatively impact public health overall.

The failure to address feral cat populations in a timely manner may also pose a particular threat to Native Hawaiian cultural practitioners, rural community members, and others who frequently subsist from or enter nearshore waters, or who consume produce grown in areas that may be frequented by feral cats. For example, toxoplasmosis in humans is contracted by the inadvertent consumption of the microscopic oocytes of *Toxoplasma gondii*, a parasite that reproduces only in felid intestinal tracts; practitioners and others who subsist from or enter nearshore waters where cats are present may be at heightened risk for exposure to *T. gondii* oocytes “shed” by the millions in infected cat feces. Toxoplasmosis is considered extremely dangerous to pregnant woman and individuals with compromised immune systems.¹⁰ In otherwise healthy individuals, toxoplasmosis infection has also been linked to higher rates of mental illness, including schizophrenia, depression, obsessive compulsive disorder, intermittent explosive disorder or “rage” disorder, and brain cancer.¹¹ Toxoplasmosis can also significantly slow reaction times, with one study showing that infected individuals may be two and a half times more likely to be involved in a traffic accident.¹² With the ability to survive for six months or more in soil or warm seawater,¹³ *T. gondii* oocytes shed by feral cats and cat colonies may therefore pose a substantial health risk for those who swim in, eat from, or otherwise enter our nearshore waters, including Native Hawaiian practitioners and subsistence community members in particular, as well as all who consume produce from home gardens, community gardens, and commercial farming

⁷ Star-Advertiser Staff, *Bird’s survival crucial for native plants, study finds*, HONOLULU STAR-ADVERTISER, April 12, 2018, available at <https://www.staradvertiser.com/2018/04/12/hawaii-news/birds-survival-crucial-for-native-plants-study-finds/>.

⁸ Jessica Else, *Feral cats make invasive species list*, THE GARDEN ISLAND, March 18, 2019.

⁹ Lisa Fox Strohecker, *Parasite spread by feral cats threatens endangered species*, MAUI NEWS, March 12, 2017.

¹⁰ Astrid M. Tenter, et. al. *Toxoplasma gondii: from animals to humans*, 30 INT. J. PARASITOL 1217 (2000);

¹¹ E. Fuller Torrey & Robert H. Yolken, *Toxoplasma gondii and Schizophrenia*, 9 EMERGING INFECTIOUS DISEASES 1375 (2003); Jaroslav Flegr, *Effects of Toxoplasma on human behavior*, 33 SCHIZOPHRENIA BULLETIN 757 (2007).

¹² *Id.*

¹³ Lindsey, *supra* note 4.

operations where feral cats may be present.¹⁴ Notably, because *T. gondii* reproduces exclusively in felid intestinal tracts, the removal of cats from the landscape would eliminate the sole source of widespread toxoplasmosis infection in both humans and wildlife.

Feral cats and cat colonies may also pose a number of other threats to the health of Native Hawaiians and the general public. In addition to *T. gondii*, cats are known carriers of various other parasites and diseases that may be transmitted to humans and other animals, including toxocara, giardia, salmonella, cryptosporidium, and hookworms, all of which may be particularly prevalent in feral cats and cat colonies.¹⁵ Notably, while house pets can usually be screened for such parasites and diseases through annual veterinary checkups, feral cats are not; even those that are captured once as part of a Trap-Neuter-Return (TNR) program are unlikely to be recaptured, much less taken to a veterinarian, after their first experience being trapped and “returned.”¹⁶ Not surprisingly, a recently published meta-analysis of 21 studies examining the prevalence of 19 parasites infectious to humans and other animals found that outdoor cats were nearly three times as likely to be infected with such parasites than indoor-only cats.¹⁷

¹⁴ A. Alonso Aguirre, et. al., *The One Health Approach to Toxoplasmosis: Epidemiology, Control, and Prevention Strategies*, ECOHEALTH 1-13 (2019) (“Outdoor cats should be prevented from accessing community gardens as a food biosecurity issue and exclude cats from any location where food is grown. Children should avoid areas where cat feces may be found, domestic cat access to the outdoors should be limited, and steps taken to reduce the number of free roaming domestic cats and the associated number of *T. gondii* oocysts.”).

¹⁵ See, e.g., Sarah Taetzsch, et. al., *Prevalence of zoonotic parasites in feral cats of Central Virginia, USA*, 65 ZOONOSES AND PUBLIC HEALTH 728 (2018) (“The estimated 60-100 million feral cats which roam outdoors in the USA are a source of environmental contamination with parasites that pose a risk for transmission to humans. One cat infected with zoonotic parasites can excrete millions of eggs, cysts or oocytes into the environment, and in many cases, the infective parasite stages are extremely resistant, persisting for months to years in soil and/or water.”); Laura Biel, *The parasite on the playground*, NEW YORK TIMES, January 16, 2018 available at <https://www.nytimes.com/2018/01/16/health/toxocara-children-new-york-playgrounds.html> (“[Toxocara] parasites cling to the hands of children playing outside. Once swallowed, the eggs soon hatch, releasing larvae that wriggle through the body and, evidence suggests, may even reach the brain, compromising learning and recognition. . . . But the risk is not evenly shared: Poor and minority populations are more often exposed.”); Centers for Disease Control (CDC), Parasites – Giardia, <https://www.cdc.gov/parasites/giardia/index.html> (last accessed March 16, 2018) (“*Giardia* is protected by an outer shell that allows it to survive outside the body for long periods of time and makes it tolerant to chlorine disinfection. While the parasite can be spread in different ways, water (drinking water and recreational water) is the most common mode of transmission”); CDC, Parasites – Cryptosporidium, <https://www.cdc.gov/parasites/crypto/index.html> (last accessed March 16, 2018) (“The parasite is protected by an outer shell that allows it to survive outside the body for long periods of time and makes it very tolerant to chlorine disinfection. . . . *Cryptosporidium* is a leading cause of waterborne disease among humans in the United States.”); CDC, Parasites – Zoonotic Hookworm, <https://www.cdc.gov/parasites/zoonotichookworm/> (last accessed March 16, 2018).

¹⁶ Taetzsch, *supra*, at 729-30 (“Feral cats, which are born and live in the wild, do not receive the same level of husbandry and veterinary care as do most owned cats, including routine faecal parasite tests and antiparasitic medications. Furthermore, cats roaming outdoors are more likely to ingest parasite stages through predation of intermediate or paratenic hosts compared with owned cats living indoors. Consequently, feral cats may experience a relatively high level of parasitic infection.”).

¹⁷ Kayleigh Chalkowski, et. al., *Who let the cats out? A global meta-analysis on risk of parasitic infection in indoor versus outdoor domestic cats (Felis catus)*, 15 BIOLOGY LETTERS 20180840 (2019).

Cat colony feeding, which often accompanies TNR programs, and the concentration of fecal matter left by cat colonies may also result in the proliferation of flies, lice, rodents, and other pests that can act as vectors for disease; notably, house flies alone are “strongly suspected of transmitting at least 65 diseases to humans, including typhoid fever, dysentery, cholera, poliomyelitis, yaws, anthrax, tularemia, leprosy and tuberculosis.”¹⁸

3. Trap-Neuter-Return (TNR) strategies have not been shown to meaningfully reduce feral cat numbers and may exacerbate cat abandonment and the proliferation of cats on the landscape.

Unfortunately, contrary to assertions proposed by some cat “advocates,”¹⁹ numerous studies have shown that “Trap-Neuter-Teturn” (TNR) strategies do not reduce numbers of cats on the landscape, or provide any relief from the ecological and public health threats caused by feral cat populations. **On the contrary, the visible maintenance of a feral cat colony has been shown to increase rates of cat abandonment, including cats that have not been sterilized:**

A study of TNR implemented countywide in San Diego showed that feral cat populations had not decreased after 10 years, and a similar result was found after 7 years in Alachua County, Florida, where feral cat populations increased (Foley et al. 2005). Four years of TNR at a colony in London saw the population fluctuate between 19 and 17 with no indication of further decline (Neville 1989). Ten years of TNR in Rome showed a 16–32% decrease in population size across 103 colonies but concluded that TNR was “a waste of time, energy, and money” if abandonment of owned cats could not be stopped (Natoli et al. 2006). Two colonies subject to TNR in Florida were tracked for over a year and population size of both colonies increased owing to the influx of new cats dumped at the highly visible sites (Castillo & Clarke 2003).²⁰

¹⁸ Penn State College of Agricultural Sciences, Insect Advice from Extension, <http://ento.psu.edu/extension/factsheets/house-flies> (last accessed March 16, 2018); see also Hawai’i State Department of Health Vector Control Section, Domestic Flies, <http://health.hawaii.gov/san/files/2014/04/DOMESTIC-FLIES-Edit-04012014.pdf> (last accessed March 16, 2018). For example, a typhus outbreak in Orange County was specifically linked to feral cats near schools. Sharon Bernstein, Orange County Typhus Cases: Symptoms and Treatment, <https://www.nbclosangeles.com/news/local/symptoms-treatment-typhus-orange-county-155417285.html>.

¹⁹ Scott R. Loss, et. al., *Responding to misinformation and criticisms regarding United States cat predation estimates*, 20 *Biological Invasions* 3385 (2018), available at <https://link.springer.com/article/10.1007%2Fs10530-018-1796-y> (“Free-ranging cat advocates propagate misinformation about the ecological impacts of cats to overturn policies that would allow removal of cats to achieve biodiversity management objectives and replace them with non-lethal options only. . . . These non-lethal approaches – such as trap-neuter-return (TNR) . . . are often presented to policymakers and the public as a panacea to reduce free-ranging cat populations and improve cat welfare. However, there is no rigorous scientific evidence that TNR is widely effective at reducing cat populations. . . . Advocates for free-roaming cats have also focused extensively on discrediting peer-reviewed scientific research on harmful impacts of cats[.]”).

²⁰ Travis Longcore, et. al. *Critical Assessment of Claims Regarding Management of Feral Cats by Trap-Neuter-Return*, 23 *CONSERVATION BIOLOGY* 887, 891 (2009); see also Allison D. Roebeling, et al., *Rabies Prevention and Management of Cats in the Context of Trap, Neuter, Vaccinate, Release Programs* 61

Notably, TNR is also considered an **inhumane** approach for cats themselves, by animal welfare organizations such as People for the Ethical Treatment of Animals.²¹ **For example, feral cats generally succumb slowly and painfully from untreated illnesses, injuries, infections, and in some cases from human malice.** Even allowing an “owned” cat outdoors is frowned upon by the Veterinary Centers for America, due to the frequency of injury from vehicles and other animals, as well as the risk of infection by contagious diseases. **Therefore, TNR approaches not only fail to address the proliferation of feral cats or their impacts, but may lead to the increased abandonment of cats and overall number of cats on the landscape, as a result of the visible maintenance of feral cat colonies resulting from TNR programs.**

Accordingly, given the range and seriousness of the ecological, cultural, and public health threats associated with feral cats, OHA commends the Council for its consideration of this matter, and urges its timely action to mitigate the growing impacts of feral cats and cat colonies on Maui.

Mahalo for the opportunity to comment on this matter.

ZOONOSIS PUBLIC HEALTH 290 (2014) (“[C]laims by TNR advocates that managed colonies can reduce feral cat populations and control rodents are contradicted by research”); Daniel Castillo and Alice L. Clarke, *Trap/neuter/release methods ineffective in controlling domestic cat “colonies” on public lands*, 23 NAT AREA J. 247 (2003).

²¹ See PETA, Animal Rights Uncompromised: Feral Cats, <https://www.peta.org/about-peta/why-peta/feral-cats/> (last accessed February 8, 2018); Daphna Nachminovitch, *TNR Is Dangerous Both to Cats and to Other Animals*, CHANGING PLANET, Mar. 8, 2017, <https://blog.nationalgeographic.org/2017/03/08/tnr-is-dangerous-both-to-cats-and-to-other-animals/>.