

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE

Council of the County of Maui

MINUTES

September 29, 2021

Online via BlueJeans Link

CONVENE: 9:00 a.m.

PRESENT: VOTING MEMBERS:
Councilmember Kelly Takaya King, Chair
Councilmember Shane M. Sinenci, Vice-Chair
Councilmember Gabe Johnson
Councilmember Alice L. Lee
Councilmember Michael J. Molina
Councilmember Yuki Lei K. Sugimura
Councilmember Tamara Paltin

STAFF: James Forrest, Legislative Attorney
Shelly Espeleta, Supervising Legislative Analyst
Kasie Apo Takayama, Legislative Analyst
Nicole Siegel, Legislative Analyst
Wilton Leauanae, Legislative Analyst
Rayna Yap, Committee Secretary
Lenora Dineen, Office of Council Services Assistant Clerk

Axel Beers, Executive Assistant to Councilmember Kelly Takaya King
Kate Griffiths, Executive Assistant to Councilmember Gabe Johnson
Ellen McKinley, Executive Assistant to Councilmember Kelly Takaya King
Stacey Moniz, Executive Assistant to Councilmember Gabe Johnson

ADMIN.: Rowena Dagdag-Andaya, Director, Department of Public Works (CARE-27, CARE-55)
Michele McLean, Planning Director, Department of Planning (CARE-55)
Keola Whittaker, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Mike Moran, Kihei Community Association (CARE-55, CARE-27)
Robin Knox, Save the Wetlands Hui (CARE-55)
Charlene Schulenburg (CARE-55)
Elle Cochran (CARE-27, CARE-1(6), CARE-55)
Trinette Furtado (CARE-55)
Randy Wagner, Kihei Community Association (CARE-55)

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Brandy Corpuz (CARE-55)
Keolamau Tengan (CARE-55)
Junya Nakoa (CARE-27)
John Carty, Save Honolua Coalition (CARE-27)
Cara Flores
Paulo Faleafine, Chief Executive Officer, Ohana 'Ekolu LLC
(CARE-27)
Kamaunu Kahaialii, Cultural and Education Director, Nā Mea
'Ike 'I'a (CARE-27)
Martha Rodgers, Founder, Bay Park Data Solutions (CARE-27)
Murat Atalay, Director, Technical Sales, Quanergy (CARE-27)
Stephanie Ohigashi, Hawaii State Representative, Sister Cities
International (RULE 7(B))

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

CHAIR KING: . . .*(gavel)*. . . Okay. Will the Climate Action, Resilience, and Environment Committee please come to order. It's September 29, 2021, 9:00 a.m. Thank you, Members, for being present, and I'm very excited about this meeting today. Just as a prelude please, everyone, silence your cell phones and other noisemaking devices that you may have. We're going to, you know, try to get through this...we have a pretty ambitious agenda, we're going to try to get through it as orderly as we can, but...I think we can do it before noon. And I have to give the disclaimer. We're back on channel 53, so that's one disclaimer I don't have to do. This online meeting is being conducted in accordance with the Governor's most recent emergency proclamation on COVID-19. Please see the last page of the agenda for information on meeting connectivity. Members, the Governor's most recent emergency proclamation also includes the following mandate. A board holding a remote meeting pursuant to this section shall not be required to allow members of the public to join members in person at non-public locations where board members are physically present, or to identify these locations in the notice required by Section 92-7 HRS, provided that at the meeting, each board member shall state who, if anyone, is present at the non-public location with the member. So it's not really necessary to tell us, you know, if you're in your bedroom, we just need to know who you're with. In accordance with the Governor's mandate, if you are at a non-public workspace, when your name is called, please identify by name who is present with you in the room, vehicle, or workspace. So at this point I'd like to go through roll call. Myself as the Committee Chair, Kelly Takaya King. And today we have with us our Committee Vice-Chair, Shane Sinenci, all the way from East Maui. Let me just double check. I forgot to check our greeting. Such an important part of the opening to this meeting. Okay. Alice put it in here?

COUNCILMEMBER LEE: Halò.

CHAIR KING: Okay. Halò. Lang may yer lum reek; is that right?

COUNCILMEMBER LEE: Yes, it is. Correct.

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CHAIR KING: That means...that's in Scottish. It means hello, I wish you good fortune for the future. I love that. Thank you so much, Alice. We'll go to Councilmember Sinenci first. Aloha kakahiaka.

VICE-CHAIR SINENCI: Aloha, Chair. Halò. Dé do chor? Lang may yer lum reek (*audio interference*). I'm here at the virtual wetlands with my EA, Dawn Lono.

CHAIR KING: Okay. Aloha, Dawn. All right. Thank you for that. And next we'll go to Chair Lee and see how this is really supposed to be pronounced.

COUNCILMEMBER LEE: No, I'm afraid I don't have that, but yes, halò. Lang may yer lum reek. And actually, literally that means long may your chimney smoke.

CHAIR KING: Oh.

COUNCILMEMBER LEE: Because in Scotland, that means I wish you a long and healthy life or what you just said, I wish you good luck and good fortune for the future.

CHAIR KING: Oh, that's awesome.

COUNCILMEMBER LEE: Madam Chair, we want you to be totally conversant when you go to Scotland.

CHAIR KING: Okay. Well, I'm hoping that maybe we won't be using this smoke thing because we're at the climate change (*audio interference*)...

COUNCILMEMBER LEE: Yeah, right. But just so you know.

CHAIR KING: Thank you so much.

COUNCILMEMBER LEE: And I am home alone. Thank you.

CHAIR KING: Thank you. All right. Next we're going to go to Councilmember from Lānaʻi, Gabe Johnson. Halò, and lang may yer lum reek.

COUNCILMEMBER JOHNSON: Good morning, Chair. Good morning, Members. Halò. Lang may yer lum reek, I guess. I'm looking into a great meeting, and I am home alone.

CHAIR KING: Okay. Great. As am I. I'm in the room I'm in alone. Okay. Councilmember from under the virtual bridge, Mike Molina.

COUNCILMEMBER MOLINA: Hi, Madam Chair. Halò. Lang may yer lum reek, and aloha to you and my colleagues. I am alone in a room at my residence here in Makawao, and ready for a very exciting agenda as it relates to the climate care.

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CHAIR KING: Thank you. And you said that so smoothly, I think you've been practicing that. That's the advantage of going last, you get to practice. So next we'll go to Councilmember from West Maui, Tamara Paltin. Halò, and lang may yer lum reek.

COUNCILMEMBER PALTIN: Aloha kakahiaka, mai Malu Ulu Olele. I'm at the West Maui District Office with my EA, Angela. And halò, dé do chor? Lang may yer lum reek kākou.

CHAIR KING: All right. Thank you very much. And last, but certainly not least, our Councilmember from Upcountry with gold and purple rains, Yuki Lei Sugimura. Halò, and lang may yer lum reek. Oh, you're muted, Member Sugimura.

COUNCILMEMBER SUGIMURA: Okay. Let's try that again. So this is from Chair Alice Lee's Scottish greeting. Is it like hello, but halò, lang may yer lum leak [sic]...reek.

CHAIR KING: . . .(inaudible). . . important. All right. Thank you so much. Okay. And I don't see any of our Non-Voting Members. Is Member Kama or Member Rawlins-Fernandez here? No. Okay. Today, Members, we have from the Administration confirmed is our Corporation Counsel, Keola Whittaker. Aloha and good morning. From the Department of Public Works, Director Rowena Dagdag-Andaya; from the Department of Planning, Director Michele McLean; Department of Environmental Management, Deputy Director Shayne Agawa. And we have requested, but have not yet received confirmation from the Mayor's Office of Climate Action Sustainability and Resiliency, the Energy Commissioner, Alex DeRoode and Environmental Coordinator, Makale'a Ane. So if you're there, maybe just briefly flash your pictures. And we also invited our Managing Director, Sandy Baz, but we haven't had confirmation. Other resource people we have today who are confirmed are Paulo Faleafine, who's the Chief Executive Officer of Ohana 'Ekolu LLC; Martha Rodgers, Founder, Bay Park Data Solutions; Murat Atalay, Director, Technical Sales, Quanergy; and our good friend, Stephanie Ohigashi, who's the Hawai'i State Representative for the Sister Cities International. So Committee Staff is Nicole Siegel, our Senior [sic] Legislative Analyst; and Wilton Leauanae, Legislative Analyst. We also have our long-time Committee Secretary, Rayna Yap; and our great Legislative Attorney, James Forrest; and our new Counsel Services Assistant Clerk, Lei Dineen. So thank you, Staff, for all the work you did putting this meeting together. So Members, we have three meetings [sic] on today's agenda. We have CARE-27, Visitor Impacts To County Environmental And Infrastructural Resources; CARE-1(6), Sister Cities International; and CARE-55, Wetlands Restoration. So at this point, if there are no objections, I'd like to begin with public testimony. Oral testimony via phone or teleconference will be accepted. Do we have testifiers, Staff?

MS. SIEGEL: Yes, Chair, we do.

CHAIR KING: Okay. Testifiers wanting to provide video testimony should have joined the online meeting via the BlueJeans meeting link on today's agenda. Testifiers wanting to provide audio testimony should have participated via phone conference by dialing 1-408-915-6290 and enter meeting code 470 076 045. Written testimony is highly encouraged and instructions on how to submit written testimony can be found at

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mauicounty.us/testify. So moving on to oral testimony. Oral testimony is limited to three minutes per item. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. While testifying, please state your name. If you're testifying on behalf of an organization or are a paid lobbyist, please inform the Committee of that. And please be mindful of the use of chat during testifying. During the meeting, chat should not be used to provide testimony or chat with other testifiers. If you're here to provide testimony, please be courteous to others by turning off your video and muting your microphone while waiting for your turn to testify. Once you are done testifying, you will be asked to disconnect from the call; however, you are welcome to continue to view the remainder of the meeting on *Akakū* channel 53, mauicounty.us or Facebook Live via the Maui County Council page. Participants who wish to view the meeting only without providing testimony, please also disconnect at this time and instead, view the meeting on *Akakū* channel 53, or you can visit mauicounty.us/agendas or Facebook Live. Only Councilmembers, Staff and designated resource personnel will be connected to the videoconference once the testimony concludes. I remind Committee Members, Administration, and the public to please be patient if we run into technological issues. And Members, at this point I'd like to proceed with oral testimony. Staff has been monitoring. We do have, it looks like right now, 11 testifiers signed up to testify, and let's do our best to take up everyone in an orderly fashion. Okay. Staff, can you call our first testifier?

MR. LEAUANAE: Thank you, Chair. First testifier is Mike Moran, followed by Robin Knox.

. . .BEGIN PUBLIC TESTIMONY. . .

MR. MORAN: Good morning, Chair King and Committee Members. Mike Moran for the Kihei Community Association. We'll try to be brief this morning. We understand you've...you have a heavy agenda. We're testifying in support of both 55 and 27. 55, we testified at the beginning of the month, so we don't have to repeat everything on that. The only point we'll...we'll make, once again, that you advised us, Chair King, that this will go on to the Planning Commission, but it does have to come back to the Council. But as we watch, there seems to be a different tenor at the Planning Commission, and there's much input from the development side, and not...not near as much on the environmental side. And we just give one situation we ran into, and we tend to think it's typical, but we were participating in Long Range Planning's Talk Story. They have them every Tuesday afternoon on the community plan, so not yesterday's, but the week before. And we had addressed this issue of we don't have any more land in South Maui that's truly buildable makai of the highway because of the wetlands. And...and my comment was kind of challenged by another participant who is a spokesman for a high-end developer, and his point was if there's no water, it's not wetlands. That's...that's what the Federal Government says. So that seems to be kind of ignoring the...what we have traditionally in South Maui's are . . .(inaudible). . . systems, but we have to, you know, be...be aware of that, be alert to that, not that you're not already. So what...we support 55. And then briefly, on 27 even though we haven't testified on this matter for quite a while, we do thank past Member, Elle Cochran, who we're now calling Short Hair, that we...we see the new Elle Cochran, and thank her for introducing this about four years ago, and how it's

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now being picked up by you, Chair King, for the community. So we're looking at what both the people that live here do, and what the visitors do to the environment, all in one meeting this morning. So thank you for the opportunity to testify.

CHAIR KING: Okay. Thank you, Mike. Thank you for those words. And yes, Elle did fight for that item for her Committee too. So I think she's here to testify a little bit later. But any questions of our testifier? If not, we'll...hopefully, we'll...you can...you know, you can monitor the meeting and be present when we, hopefully, pass this...what we're doing, passing the Wetland Restoration Bill on to the Commissions. All right. Thank you, Mike.

MR. MORAN: Thank you, guys. Aloha.

CHAIR KING: Aloha. Next testifier.

MR. LEAUANAE: Next testifier is Robin Knox, followed by Kamaunu Kahaialii.

CHAIR KING: Robin?

MS. KNOX: Hi. Yes, looks like I can't turn my camera on for some reason. So I'll just, I guess, testify without it. So I'm...my name is Robin Knox, and I'm testifying on behalf of the Save the Wetlands Hui. We wholeheartedly support this bill. We really appreciate the Committee taking it up, and the hard work that the Committee Staff and Chair King's Staff did to resolve some of the concerns that we expressed to you at the last meeting. We...and you have addressed those major concerns. We do ask...and I don't know if it would be this legislation or something different, but we do hope that the...the Conservation Planning Committee would have representatives who are wetlands scientists and also Hawaiian cultural advisors because we think those are two important perspectives for this decision making. This protection for wetlands is urgently needed, and this bill will put Maui County at the forefront of international efforts to protect wetlands. Just yesterday, *The New York Times* published an opinion entitled "Let Water Go Where It Wants to Go," and I think that sums up the Hui's position and...and the definition of wetlands. It's where the water wants to go, that's what we're trying to get to. And the quote is, water demands a place to go. This means making room for streams and wetlands, beaches and salt marshes. It means solving human-caused problems with nature-based solutions. This includes removing urban impediments, letting streams flow, daylighting covered up streams, and restoring wetlands, and planting trees. Since we last met, NOAA published international guidelines on natural and nature-based features for flood risk management. And you might recall, that's the...kind of our slogan is that wetlands are nature's infrastructure. So this was an effort to set international guidance, and it was led by the Army Corps of Engineers, the U.S. Army Corps of Engineers. So it can be seen that this bill represents the latest understanding of science and engineering with regard to the value of wetlands in mitigating climate change impacts and managing floods, all of which is important to County of Maui. Thank you.

CHAIR KING: Okay. Thank you so much, Robin. Did you submit your testimony in writing?

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MS. KNOX: Yeah, I did. And I put links to those two articles in there.

CHAIR KING: Okay. Because I really love those quotes that you just quoted, and we'll definitely send that along with the bill to the Planning Commission if it meets at . . . *(inaudible)* . . . today. Any questions for our testifier, Members? If not, we'll thank her for not only her testimony, but her hard work on preserving the wetlands. And I'll see you next Saturday, Robin, at the wetlands for weeding out the pickleweed.

MS. KNOX: Great.

CHAIR KING: Staff, next testifier, please.

MR. LEAUANAE: Next testifier is Kamaunu Kahaialii, followed by Charlene Schulenburg.

CHAIR KING: Okay. I think Kamaunu is going to be one of our presenters. So did you want to testify as well? I think...

MR. KAHAIALII: No. I'm here to do the presentation with Paulo.

CHAIR KING: Okay. So we can go to our next testifier.

MR. LEAUANAE: Next testifier is Charlene Schulenburg, followed by Elle Cochran.

CHAIR KING: Okay. Aloha, Charlene.

MS. SCHULENBURG: Aloha, everyone. Can you hear me?

CHAIR KING: Yes, we can. We can't see you.

MS. SCHULENBURG: I know. For some reason, I...it's not letting me undo the blockage on the camera either, but I'll go ahead and just keep talking so we can get going, so you guys can stay on...on track. Thank you again, everybody, for...for putting this committee together. Kelly King, you're amazing. You listen to us. Thank you. South Maui thanks you. This is super important to have additional wording to try to protect the wetlands. Anything we can do to try to protect and restore the wetlands would be helpful. I will say this until I'm blue in the face, but we had two...over 200 acres of wetlands when we started...when...when, I guess, there was not much development in, you know, in...in Kihei, and now we are less than 20 acres left. So we've lost 90 percent of the wetlands. In working with the Hui, working with KCA, working with Sierra Club, working with all these organizations that care about our environment, you know, we're...we're aware that the...the water is going where it needs to go, and where it has left to go because we're...we're overdeveloped, we're over hardscaped. So everything, as Mike Moran said, makai of Pi'ilani in this flood plain is actually, by de facto, acting as wetland, even if they're not considered jurisdictional wetlands yet. So again, all of these expansions on awareness, on education, on wording, anything that helps get the...you know, get the concept out of...of needing to...to protect these as much as possible also ultimately affect our water quality and our reefs. So, you

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know, as the mauka to makai concept seeps into our psyche more and more, we're grateful for...for our Hawaiians and, you know, our past ancestry of Hawaiians that...that have taught us this, and that we're reclaiming this. And so everything that happens mauka affects makai. And therefore, the water quality is...is such an issue, and the water does need to sit somewhere and sift first with the...with Mother Nature's help through the...through the land. And so that...that's what's so important before that water enters, you know, the ocean. So that's what this is all about, is...is taking of a larger picture and again, educating and again, really trying to focus too, on what Mike said, and that is having developers understand just because there's no water sitting there at the moment doesn't mean they're not a wetland. We have seasonal wetlands...Kihei is an extremely interesting and unique place, and there are all types of wetlands. And we're excited to be bringing all of the definitions to the fore so that we can continue educating and...and hoping that people, you know, . . . *(timer sounds)*. . . lap on to...to the movement of saving this. So thank you very much.

CHAIR KING: All right. Thank you so much, Char. Any questions of our testifier? If not, we'll thank you for your testimony and your constant involvement in helping to preserve our wetlands, Charlene, and we'll move on to our next testifier.

MR. LEAUANAE: Next testifier is Elle Cochran, followed by Brendan Kennedy.

CHAIR KING: Okay. Welcome to former Councilmember Elle Cochran.

MS. COCHRAN: Hi.

CHAIR KING: Hi. Are you...

MR. KENNEDY: Okay. I'm on. Am I on?

CHAIR KING: Yep. Now we can see you.

MS. COCHRAN: Aloha.

CHAIR KING: Aloha.

MS. COCHRAN: Hi. Good morning, everyone. And I sent in written...and first off, I completely support the Sister Cities Program. I attended...been to quite a few Sister Cities that was part of the signing of the relationship with Badoc, Ilocos Norte, Philippines. So thank you, Stephanie Ohigashi, for all your work there. And of course, support the Wetland Restorations, in particular the loko i'a Mokuhi'ia in Lāhainā, Maui. So just quickly on that. But I'm here to testify on CARE-27, and huge mahalo to you, Chair King, for keeping CC 17-231 alive. I introduced it...yeah, four years ago. So again, it was a hot topic then, and it still is today. So thank you for that. And I am testifying in strong support of the Ho'omāhūa initiative. I am honored to be part of a team that strives to roll out this initiative in conjunction with the Makai Watch Program at Honolulu Bay. Since the reopening of our island, the visitors are loving Honolulu to death once again. And so the State has...the State has

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completed their draft management plan of Honolua, which has not been finalized yet. So in the interim, Honolua needs these objectives and goals of the initiative to be implemented sooner rather than later. The real time data will give everyone current, up-to-date information to help determine the best way to mālama Honolua. This initiative will help everyone in better management of tourism and visitors to all our special sensitive places. Such current information will also be beneficial in educating the tourism industry and all the people who work in it. And myself, as a concierge, once again, in Kā'anapali, I can see all the wonderful ways the initiative will help create a balance between residents, visitors, businesses, the environment, and cultural needs. The objectives and goals are very important in order to educate you, our decision makers, about the special places and communities that you represent so truly beneficial decisions will be made and doable, strategic plans can be implemented in real time. Please digest all the information in this presentation, and please take all the initiative's points to heart. Maui Nui will then thrive, and will be grateful forever, so mahalo to all of you, and mahalo to Paulo Faleafine and Kamaunu Kahaialii for their part in this initiative. And please, please support them, and they have so much to share. And together, we will all make...keep Maui Nō Ka 'Oi, but make Maui a much better place. So thank you all for being there and I'm happy to see all your faces once again. Mahalo.

CHAIR KING: Okay. Mahalo, former Councilmember Cochran. And, you know, I didn't just--Committee, full disclosure--I had no idea you were involved in this initiative when we put this on the agenda. So what a pleasant surprise to see that you're working with these two gentlemen. Any questions of our testifier? Chair Lee?

COUNCILMEMBER LEE: The only question I have for you, Elle --

MS. COCHRAN: Yes?

COUNCILMEMBER LEE: -- is you need to come and participate more often.

MS. COCHRAN: Okay.

COUNCILMEMBER LEE: It's good to see you.

MS. COCHRAN: Okay. Will do. Will do, Chair. Thank you.

CHAIR KING: Okay. So thank you, and I'm assuming you're going to hang around and watch . . .(inaudible). . .

MS. COCHRAN: Yeah, of course.

CHAIR KING: We have a question for you from Member Sugimura, followed by Member Molina.

MS. COCHRAN: Okay. Morning.

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COUNCILMEMBER SUGIMURA: Good morning. Probably not a question, but it's so good to see you, Elle, and you have cut your hair.

MS. COCHRAN: *(audio interference)* Yeah, I did.

COUNCILMEMBER SUGIMURA: Yeah, you cut your hair, yeah.

MS. COCHRAN: And it's purple, our color.

COUNCILMEMBER SUGIMURA: Oh, yeah, yeah, yeah. So anyway, we'll see you again when we have the public hearing, I'm sure, about West Maui Community Plan.

MS. COCHRAN: Yes.

COUNCILMEMBER SUGIMURA: But so glad you're still doing your thing out there.

MS. COCHRAN: Yeah.

COUNCILMEMBER SUGIMURA: Thank you, Elle.

MS. COCHRAN: Still alive.

COUNCILMEMBER SUGIMURA: Yeah, good.

MS. COCHRAN: Thank you.

CHAIR KING: Thank you, Member Sugimura. Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. And great to see you again. Shall I call you Councilmember Emeritus Cochran?

MS. COCHRAN: Ha, ha. Sure.

COUNCILMEMBER MOLINA: Just one quick question. You know, you mentioned you're a concierge.

MS. COCHRAN: Yup.

COUNCILMEMBER MOLINA: Just in talking to the tourists, what's the feel right now when they come to Maui, and what...is there any feedback from them as to what they can do on their part to better respect and take care of the 'āina or anything else like that?

MS. COCHRAN: Well, I think this type of initiative and, as I mentioned, education, informing our visitors--and, you know, our residents alike--that visit these culturally and sensitive places of our island, they don't...you know, especially our visitors come from somewhere else, never seen the ocean before, what have you, they just...once you educate them, they are grateful because they didn't know. Oh, don't step on the reef; don't harass the turtles. You know, things that come second nature to us

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because we just grew up with these things, they're not aware. So I think this type of initiative can help us create...is it a program? Is it pamphlets? Just some type of informational venue where somebody like myself, as a concierge that sees the visitors, you know, 24/7, can educate when they go out into our...to our islands on tours, sightseeing on their own, go to Hāna, go to Honolua Bay, wherever, they have already gained respect. They have knowledge, they have information ahead of time. And people like Kamaunu and Paulo are...are really hitting the ground running in gathering data, and all of us combine it in a digestible, easy to understand way for our visitors. You know, to...such as Honolua. So that's sort of the...the idea. And for me, as a concierge, being that...that kind of touch point to the visitor industry is what I aim to bring and share with my fellow Councilmembers [sic]. There's like...sorry, concierge...there's about 300 across the island. So with 300 different voices saying the same thing, right, and guided effort to protect what we have and to educate, I think is a win-win situation.

COUNCILMEMBER MOLINA: Great.

MS. COCHRAN: So...

COUNCILMEMBER LEE: Appreciate...great responses. Thank you, Ms. Cochran. Thank you, Madam Chair.

MS. COCHRAN: Thank you.

CHAIR KING: Thank you, Member Molina. And, you know, we do have a TIG that's working on solutions for tourism. So we have a couple of TIG members here, so maybe they can, you know, invite you to share your message with the Temporary Investigative Group too.

MS. COCHRAN: Yeah.

COUNCILMEMBER LEE: I already have. I already have.

CHAIR KING: Oh, awesome.

MS. COCHRAN: . . .*(Inaudible)*. . . Chair Lee.

UNIDENTIFIED SPEAKER: Thank you.

CHAIR KING: Okay. Well, great. Okay. So anyway, we'll see you a little bit later. And we'll move on to our next testifier, Staff.

MS. COCHRAN: Thank you.

MR. LEAUANAE: Next testifier is Brendan Kennedy, followed by Representative Wildberger.

CHAIR KING: ...Kennedy?

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MR. KENNEDY: I apologize. I'm sorry. I didn't mean to be a testifier if I did sign up.

CHAIR KING: Okay.

MR. KENNEDY: I'm just observing and listening happily. Thank you.

CHAIR KING: Okay. Thank you for being here, appreciate your presence. All right. We'll move on to our next testifier, our Honorable Representative Tina Wildberger. Oh, okay. I just saw a message saying...looks like her staff just put a message in chat that they're just watching. I think that's...is that Natalia (*phonetic*)? So they're just observing, so no testimony there. You want to get to our next testifier, Staff? Call our next testifier.

MR. LEAUANAE: Next testifier is Faith Chase, followed by Trinette Furtado.

CHAIR KING: Faith? Okay. Let's come back to Faith, and maybe she's having a hard time connecting. And let's go to our next testifier.

MR. LEAUANAE: Next testifier, Trinette Furtado.

MS. FURTADO: Aloha.

CHAIR KING: Aloha. So good to see you.

MS. FURTADO: Aloha, Councilmembers, Committee Members, so great to see all of your smiling faces, and thank you for...for all of the work that you do. My name is Trinette Furtado. I am testifying on behalf of myself on Committee Item 55 to save the wetlands. In the interest of disclosure, I will be, at some point, working with Robin and other people that are also looking to preserve and protect and maintain these wetlands in the South Maui area. So I just want you all to know that before I go into my testimony, which isn't very lengthy at all. As you all know, the County General Plan does provide for protection and restoration of wetlands, and I think passage of this ordinance would provide the protections and structures for mitigation that the Clean Water Act does not currently address. And as we see when we leave things to, quote, the Feds, and not look to solving the issues that we can here at home, a lot of stuff falls through the cracks. And it's not just because of the pandemic or the turmoil we're going through now, but it's been a historical thing. And so I think that it's imperative that we have some sort of framework, some legal structure because our wetlands are a unique and special environment, unlike any found anywhere else in the world because of our isolated nature, and because of the different species that we have that can only be found here in our wetlands. The...this ordinance would provide protections that other counties in Hawai'i that may have wetlands, could use for their legislation, for their structures. And so I think this is a really big deal, and I'm so thankful that you all are taking this on. I would like to echo Mike Moran's sentiments regarding the Planning Commission because we do know that as housing becomes tighter and tighter and the market rises so fast, it's worse than a flood. We need to look that...we need to look at the fact that wetlands aren't a guaranteed building site, that just because they don't have water in them right now does not

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mean that they never had them in there before, nor that they won't have water in there again. And as we can see with several projects just along Kulanihakoi, right in that area between...well, right before the Pacific Whale Foundation area, that whenever we have even minor rains, those areas do not do well. And that's because the majority of that area is a wetlands area. You know, who's going to be responsible for any irreparable damages if we have another hundreds...a hundred year storm? Not the developer. It'll be the community, the people that live there. I'd also like to echo Robin's sentiments and comment about having a cultural advisor . . .*(timer sounds)*. . . the Wetlands Conservation Committee...and I'll just wrap up. Those are super important. You all know why. Thank you so much for listening to my testimony today, and I hope you all have a great day.

CHAIR KING: Thank you so much, Trinette. So I just have a couple questions. When you were talking about the Pacific Whale, I think you really meant the whale sanctuary?

MS. FURTADO: Yes.

CHAIR KING: Pacific Whale moved out in Maalaea. Okay. *(Audio interference)* by the whale sanctuary. And then just a quick question about...are you living in South Maui now?

MS. FURTADO: No, I'm not. But my daughter spends a lot of time down there because she now has a boyfriend that frequents the areas, goes skinning, surfing...

CHAIR KING: Okay. I was just wondering because, you know, I'm so happy you're working with Robin and the Save the Wetlands folks, and I was going to welcome you to our community if you had decided to relocate, but...any questions for our testifier? If not, thank you so much for being here, and thank you again for all your work and for joining the Save the Wetlands team. I'll see you...maybe I'll see you next Saturday when we do the workday down there.

MS. FURTADO: Absolutely.

CHAIR KING: Okay. Awesome. Staff, next testifier?

MR. LEAUANAE: Thank you, Chair. It appears Ms. Chase dropped off the call. So the next testifier is Randy Wagner, followed by the person who has the last number 9170.

CHAIR KING: Okay. Thank you. Aloha, Randy.

MS. WAGNER: Aloha, Kelly, and thank you all for the opportunity to testify. I am in support of CARE-55, the wetlands bill. I've lived in Central Kihei for 24 years, and I've witnessed the changes that have happened. I live right along the shoreline, and I live in a place that has flooded multiple times, and it can rise two feet in an hour. It's amazing when the gulches break open. They get filled with debris Upcountry, and then they...the water's enough and it breaks open. So it's not even water that's falling on Kihei, but deluges will come down, and I see how full of water places are that are not designated wetland. So as I've watched the sea level rise and block the outlets too, the water becomes even more trapped. And then what happens is

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eventually, somewhere it breaks through, and a huge mud deluge floods the ocean, which lasts for months before it becomes clear again. So I've watched the hardscaping increase as the...I'm testifying for myself, but as a review...design share review for KCA, I see development projects, and I see them wanting to be in areas that are in flood zones. And it's really painful for me to try to accept that when I can see the condition that is so fragile and that needs to be preserved, that the open space that is left needs to be allowed to remain and to be restored. So the...the other thing is when I see the rules are that you can't allow more water off your site than formerly came onto it predevelopment, but I don't see logically how that really can work when a...and when a site becomes hardscaped. Even though they say, oh, yeah, we're holding the water in these retention areas, when you're in the low lying areas, there's no depth to dig a deep retention basin. So I just don't understand that logic. What I...my vision is that we expand the definition of the wetlands to include the areas--for instance, there's a site on my street, Uluniu, that's for sale right now that...I forget if it's five acres or seven acres, but half of it's wetlands. But the entire area does flood. It may not be designated by FEMA as wetlands, but it is an absorbing area that when...when the floods come, it breaches. So it needs to be preserved. So I think if we just expand the definition and create a fund to compensate the owners of this land. You know, these are people who have thought they could develop the land, but we don't want them to develop it. We want it to be preserved. I think a fund needs to be developed to compensate those people. And I think that stewardship needs to be allowed for, you know, students of the environment and huis of citizens, groups to enhance these areas and preserve them and restore them so that they can be examples of a really . . .(timer sounds). . . healthy place. Thank you.

CHAIR KING: Okay. Thank you for your testimony. Any questions for our testifier? No? Okay. Thank you so much for being here, Randy, and for your . . .(inaudible). . .

MS. WAGNER: Thank you for all you do.

CHAIR KING: Just for...to clarify, KCA is Kihei Community Association because I know the Kula Community Association uses that same acronym.

MS. WAGNER: Oh, yeah. Sorry. Yeah.

CHAIR KING: But we all know you're from Kihei anyway. Thanks for being here.

MS. WAGNER: Mahalo.

CHAIR KING: Next testifier, Staff?

MR. LEAUANAE: Next testifier is the person who has the last four digits 9170, followed by the person who has the last four digits 0804.

CHAIR KING: Okay. Could we have testifier with the phone number ending in 9170? Once, going twice. Okay. Let's move on to...

MS. CORPUZ: Hello, can you hear me?

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CHAIR KING: Okay. There we are, 9170. Yes. Could you please...you can show your video if you want or if not, that's okay, and then just state your name first please.

MS. CORPUZ: Hi. Aloha, Kelly, and Members of the Committee. My name is Brandy Corpuz.

CHAIR KING: Oh, Brandy.

MS. CORPUZ: And I am a resident of Kihei, and a homeowner, business owner, and the Executive Director of a community non-profit named Rooted Kekahi Me Ka Aina. And we are working on a project in the Kihei wetlands area right now, thanks to Kelly King and...and lots of other people who has helped us with that. So I've lived here for 23 years, and I did not know until recently, sadly, that we are from the wetland. And it was because of our dry appearance in Kihei, and because I...I ignorantly thought that some of the water areas or...or some of the wetland areas were manmade, and they weren't. They were just diverted. I live parallel, also, to the Waipuilani Gulch, which has been the cause of lots of flooding over the years. As I am originally from Louisiana wetlands, I know that water and the natural flow will always go where it wants to go. We need to restore and protect our wetlands so that they can do their jobs in the reserve area, and also for...to protect the rest of the area which is...at this time is a lot of homes and a lot of properties that are damaged by flooding whenever it does flood Upcountry, like some other testifiers have mentioned. I'm working on the project in the Waipuilani Beach reserve with our non-profit, and we are hoping to restore, mālama the beach reserve, because it needs to be done. It's falling into the ocean. It's having...there's lots of problems in the ocean area, but it comes from up above us, which is where the wetlands are. We must have the wetlands as part of our efforts because they create and sustain a natural environment. We must also protect the wetlands that we have left. These wetlands are unique in the islands, and are a natural treasure. I support the CARES-55 [sic] because we need protection for all of our natural resources, especially our fragile and dwindling wetlands. Recently, the person who spoke before me...I think her name was Brandy as well...said...talked about how the flooding happens periodically. The gulch that is...that runs beside me, which is the Waipuilani Gulch, recently they tried to build a community on top of that. And if we protect the wetlands, then that would not be able to be happening . . .(timer sounds). . . and there would be no question about that. So please help save and protect the wetlands of Kihei. We need it for a lot of different reasons. Thank you, guys.

CHAIR KING: Okay. Thank you, Brandy. Yeah, the person right before you was actually Randy Wagner.

MS. CORPUZ: Oh, okay. Randy. Sorry. I was like oh, Brandy and Brandy.

CHAIR KING: That's okay. Any questions for our testifier? If not, maybe I'll see you also next Saturday, Brandy.

MS. CORPUZ: Yes.

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CHAIR KING: Okay.

MS. CORPUZ: Yes, you will, Kelly. Thank you. I look forward to seeing you too. Thank you, guys.

CHAIR KING: Thank you for being here. All right. Staff, next testifier?

MS. CORPUZ: Have a wonderful day.

CHAIR KING: You too.

MR. LEAUANAE: Next testifier with the last four digits of the phone number 0804, followed by Junya.

MR. TENGAN: Hi, everyone, aloha. Aloha, everyone. This is Keolamau Tengan. Thank you, everyone, for the opportunity to testify, to share, in support of CARE-55. My experience is more on the North Shore with the...the wetlands of Paukukalo and Waiehu. And having worked with a non-profit for the last four years in terms of having it as a place to gather, a place for the community, from our keiki to our kūpuna, to come and to do good work, mālama 'aina to aloha 'aina...you know, growing up in Waiehu, it was a very different experience than it is now. And to have such an invaluable resource for the community to gather to do good work, to fish, to, you know, go to the...to work my kalo and to just come and...though nowadays, a little different. However, it has been, up until, you know, COVID times, an incredibly valuable place and space for our community. And that still is the vision as we navigate these new waters. And so the...the wetland areas have such a great capacity for *(audio interference)* really is critical and crucial to be able to preserve that in South Maui as well, and to, you know, be on the other side of an area that is being preserved and is *(audio interference)* the coastline with the waters flow, but then also see what can really thrive and grow from that. And one of the things that I feel is important, and already spoken to the...the importance of it, ecological environmental standpoint is also from a community standpoint as well. And being able to not just access, but to, you know, participate in a way that is real and meaningful is something that from, you know, this point being able to create that now is going to have an effect years and generations to come. And so it is important for many reasons that I just wanted to bring to mind and to attention as a part, the importance that it has for our community now, and for future generations as well. Thank you.

CHAIR KING: Okay. Thank you so much, and thank you for...it's nice to hear from West Maui too, and to know that the wetland issue is strong over there. Any questions for our testifier, Members? If not, we'll thank you for your testimony, and move onto our next testifier.

MR. LEAUANAE: Next testifier is Junya, followed by John Carty.

CHAIR KING: Aloha, Junya.

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MR. NAKOA: Yeah, whassup? You guys hear me?

CHAIR KING: Yeah, we can hear you and we can see you.

MR. NAKOA: Poor ting, you gotta see me, but...but what you call? What was that? Right...lately, for the past couple weeks, I been working on the Temptation Island stuff and, you know, since this thing is about da kine, eh? The cultural areas like that, you know, they wanted for shoot off of Mala. I wen go...I wen go, eh, I wen call up everybody from Mala, and then I made them park at da kine, Old Lāhainā luau park ova deah, I load up and just drop off and out of there. No take no parking, no take nothing, you know what I mean? All da kine stuff. And then one other ting is what I trying to bring up is we gotta take advantage of this film guys that coming ova hea. I holding them accountable. I going...we going do one raffle drawing for this guy, Mark Anderson, from Lāhainā. I gonna support him, small business. I gonna have him...I gonna make them build one...I gonna make him build one surfboard, and then I gonna have one raffle drawings to the...all the people of Lāhainā, whoevah, wherevah they like...but all...all the proceeds that we gonna raise from the raffle drawing is gonna go to Honolua, protect Honolua. Big, you know, the...how they always...they go there, they clean up, they always gotta rent big kine dumpstas and tractas and all da kine stuff. So we gotta take advantage of this guys for...so we can take care of all our cultural areas. And so get plenny areas they...they wanted for go, but I don't know 'em, so I nevah...I told him, you know what? No check with me. I not going go hanai, you know, somebody else's...somebody else's district li' dat. So I'm saying any production that comes to Maui, we gotta take advantage. And you know what? The production paying for me, not our taxpayers. So dats what we should do. We should...you know, I telling...I telling the Film Commissiona dat he going do...we should do dat and he's all stoked. He said, yeah, make da production pay fo somebody like me, but I don't know Kihei too much. I don't know Upcountry too much. So you gotta go get from each district, and then that way we can protect our...our stuff and then educate this people 'cause 150 people came in this production. We spaced out; we was all social distanced; we vaccinated; we get tested every yea [sic], but I had on...every yea, every meet...every week. I had one meeting so I could yell at dem that...to respect our culture, respect our people. And you know what? I think they did a great job 'cause I nevah hea nobody grumble about the Temptation Island guys li' dat. So I still gotta yell at them for two more weeks, but I think we should be...start thinking about doing that kine stuff 'cause I heard get plenny more films coming. So heads up, gangy, we going go ova there. We going tell them what for do and then hopefully, we can get to the regular, everyday tourist and educate them about that 'cause, like, one of the testifiers was...said...Elle Cochran was saying Honolua Bay is packed, packed with boats. You know...

CHAIR KING: So Junya --

MR. NAKOA: Yeah.

CHAIR KING: -- Junya, are you testifying on CARE-27?

MR. NAKOA: Yeah. Oh, whatevah, whichevah, just da kine...da, you know, culture stuff.

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Sorry. I stay small kine busy...I stay...I just heard you guys was doing 'em so I going...I wanted fo jump on. Gotta go back da kine, but that's...yeah, whatevah, 27, 55, all the...all the areas. Culture areas, period. We just gotta protect 'em all. Wetlands, everything. We get wetlands all ova da place, and they still...and these developers like still build on...in 'em. Kinda crazy. But yeah. So sorry, I stay all ova da place, but I...I nevah pay attention to da agenda. I just wanted fo jump on. Okay. Shoots. Have a good one.

CHAIR KING: Okay. Thank you so much for being here. Appreciate your involvement, and all your hard work to save the whole island. Any questions for our testifier? If not...okay. We'll let you get back to work.

MR. NAKOA: Shoot.

CHAIR KING: Back...go back; yell at them.

MR. NAKOA: I going.

CHAIR KING: Okay. Thank you for being here. All right. Next testifier, Staff?

MR. LEAUANAE: Next testifier is John Carty followed by Scott Rollins.

MR. CARTY: Can you guys hear me?

CHAIR KING: Yes, we can. We can see you.

MR. CARTY: Okay. Great. Hey, Junya, thanks for supporting Save Honolua. We have testimony for item 27, Save Honolua Coalition supports this. We've prepared the following statement. The Save Honolua Coalition supports the resolution entitled "Urging the Mayor to Support the Implementation of Ho'omāhua Initiative" to be...to be discussed today. Currently there is unprecedented usage and abuse of Honolua Bay and the Valley floor. To best address this problem, we have partnered with Nā Mea 'Ike 'Ia, with the goal to implement an...an education information/monitoring table down at the Bay. We recognize their technology as essential to accomplish our mission there. We have reviewed the LiDAR technology, and intend to use it both...in both education and data collection. So that's our statement.

CHAIR KING: Okay. Great. Thank you. Any questions, Members? We have a Member from our Committee, Vice-Chair Sinenci.

VICE-CHAIR SINENCI: Mahalo, Chair. And aloha, John, for your testimony this morning. I was just curious. Is it legal for some of those sailboats to come and anchor within the bay?

MR. CARTY: So it is my understanding that there is...been a law passed that limits the boat usage to three moorings. There's three moorings in there, so there's supposed to be only three boats at a time. So we are definitely discussing, with the appropriate people, how to get that enforced.

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VICE-CHAIR SINENCI: Okay. All right. Thank you. Thank you, Chair.

CHAIR KING: Okay. Thank you, Member Sinenci. Seeing no other questions, we'll thank you for being here, John. And, you know, stay tuned. So...but your issue's coming up next. Thank you. Okay. Staff, next testifier? I think we have one more.

MR. LEAUANAE: Next testifier is Cara Flores.

CHAIR KING: Okay. Saw her earlier. Cara...there you are. Okay. Aloha. We can't hear you. You look like you're unmuted, but maybe not on your end. I think you're unmuted on our end, Cara. You have a microphone on, or is something plugged in that's keeping it from...

(technical issues)

CHAIR KING: Otherwise you could try calling in if you want if that's...I'm sorry. We just can't...we can see your lovely face, we just can't hear you. Okay. You'll put something in chat if you want to...let us know if you're going to try to call in. Staff, can you check with Cara Flores and see if she wants to call in?

MS. SIEGEL: She's muted on our...or she's unmuted it looks like. We just can't hear her. So I'll send you instructions on calling in for your testimony.

CHAIR KING: Okay. I don't think we have any other testifiers that I can see. So...want to try again, Cara? We can see you again. Looks like she's calling in. Do you have a question, Member Paltin?

COUNCILMEMBER PALTIN: While we're waiting, I thought this might be a good time. I got to make a disclosure. So I guess you heard Save Honolua Coalition is partnering with Kamaunu them. I'm still the volunteer President of the Save Honolua Coalition. I have a PAF in to get a ruling from the Board of Ethics. I discussed it briefly with OCS, and at this time...because there's no financial involved, I was just going to vote, and if it ever does become a financial issue in the future, I already have a PAF to send a request to the Board of Ethics.

CHAIR KING: Okay.

COUNCILMEMBER PALTIN: At which time it becomes financial.

CHAIR KING: Okay.

COUNCILMEMBER PALTIN: But there's no money involved right now. I'm volunteer president, and we're not asking for money, so I figure it's okay at this time.

CHAIR KING: Yeah, I think it's fine. I do remember that that was one of your big involvements that brought you to...probably to this moment of being on the Council

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because they're involved in the Save Honolua. So I didn't realize you were still the president, but I don't see that as a conflict as your Chair of the Committee.

COUNCILMEMBER PALTIN: Yeah.

CHAIR KING: Looks like...(audio interference) We've got you, Cara?

MS. FLORES: Yes, I'm on the phone. So, yeah. I just wanted to call in about CARES-55 [sic], and I'm in support of it. I think it's a great idea. I did notice that it updates...it looks like every year that it gets re-evaluated; is that right?

CHAIR KING: The wetland?

MS. FLORES: And so...yes, for the wetlands.

CHAIR KING: Yeah, this is a...this bill is just...we're sending the bill...the resolution is to send the bill to the Planning Commissions. So there will still be time to bring it back to Committee afterwards.

MS. FLORES: Yeah. So I...I think it's a great idea. I think it's great to add that to the zoning so that it's tracked and...especially with the climate changing, and to pay attention on what's happening to the environment. Sea level rise has dropped half inch because the wetlands will become more and more scarce. So it's good to protect them and be conscious of that, and be tracking what's happening to them. So I just wanted to call and support and say thank you for...for making this bill. That's it.

CHAIR KING: Okay. Thank you so much. Any questions for Ms. Flores? Seeing none, thanks for your testimony. Thanks for hanging in there with us with different forms of technology. Okay. Staff, I don't see anybody else signed up. Do you have anybody that you know of that's waiting?

MR. LEAUANAE: No one else, Chair.

CHAIR KING: Okay. Great. Thanks. So anybody else that's on...may be on the call that wants to testify we'll give you a couple seconds to unmute and speak up if you want to. Otherwise, if there's no...give a few seconds here. Okay. Members, seeing there are no other individuals wishing to testify if there's no objections I'll close oral testimony and accept written testimony into the record.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR KING: Great. So ordered. Okay. Great.

. . .END OF PUBLIC TESTIMONY. . .

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CARE-27: VISITOR IMPACTS TO COUNTY ENVIRONMENTAL AND INFRASTRUCTURAL RESOURCES (CC 17-231)

CHAIR KING: All right. We're going to move on to our first item, which is CARE-27, Visitor Impacts To County Environmental And Infrastructural Resources. Members, today we have before us County Communication 17-231 from Councilmember Elle K. Cochran, relating to Visitor Impacts To County Environmental And Infrastructural Resources. We also have a correspondence your Chair submitted to the Committee on September 22, 2021 transmitting a proposed resolution entitled "URGING THE MAYOR TO SUPPORT THE IMPLEMENTATION OF THE HO'OMĀHUA INITIATIVE." The purposes of the proposed resolution are to support the Ho'omāhua Initiative and to urge the Mayor to also support the implementation of this initiative. United Nations World Tourism Organization defines sustainable tourism as "Tourism that takes full account of its current and future economic social and environmental impacts, addressing the needs of visitors, the industry, the environment, and the host communities." Maui Island visitor arrivals in 2019 increased from by 5.5 percent, a milestone that made it the fifth consecutive record-breaking year. The Ho'omāhua Initiative aids to provide a holistic approach to tourism management called Smart Tourism. Today we have with us Paulo Faleafine, Chief Executive Officer, Ohana 'Ekolu LLC; Martha Rodgers, Founder, Bay Park Data Solutions; and Murat Atalay, Director of Technical Sales, Quanergy. With the body's approval, I would like to designate these persons as resource persons to give the presentation on the Ho'omāhua Initiative and provide comments on the proposed resolution. From the County Departments, we have invited Makale'a Ane and Alex DeRoode from the Mayor's Office of Climate Action Sustainability and Resilience. Are you there, either of you? We didn't get confirmation, so it doesn't look like they're here. And we also invited Managing Director Sandy Baz. Sandy, are you here? Well, he's one of the busiest people I know too, so we'll give him a pass there. And we have Keola Whittaker, our Deputy Corporation Counsel, who is here, and can answer any comments...any questions you may have on this matter and the proposed resolution. After we hear from Paulo, Martha, Murat, and Administration Officials, I can ask Staff to display the resolution so that the body can do a line by line review if desired prior to the motions. And right now, I'd like to, if there are no objections, designate the presenters as resource persons--Paulo, Martha, Murat; Makale'a and Alex, if they come; and Sandy, if he shows up--so pursuant to Rule 18(A). Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR KING: Okay. Thank you, Members. And we'll go right into the presentation from Paulo, Martha and Murat. Paulo, you want to share screen? We have...we're going to have...you know, they're going to keep it to ten minutes or under, and then we'll go into the questions. Oh, also, I'm sorry, we have to...I'd like to also designate...I forgot to put that in the notes...Kamaunu Kahaialii, Cultural and Education Director of Nā Mea 'Ike La [sic], and owner of member of Ohana 'Ekolu LLC.

COUNCILMEMBERS VOICED NO OBJECTIONS

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CHAIR KING: Okay, thank you. Okay, we're seeing a blue screen right now.

MR. KAHAIALII: Okay. Real quickly, just before Paulo goes into the presentation, it's Nā Mea 'Ike 'I'a.

CHAIR KING: Okay.

MR. KAHAIALII: My role as the Cultural Director is to make sure that...you know, for the record, Nā Mea 'Ike 'I'a is the hua, is the seed that started all of this about 12 years ago, and here we are. Now we're seeing the hua, the other end of this hua, as we launch this Ho'omāhua Initiative. So mahalo to Paulo. Go ahead, Paulo.

CHAIR KING: Okay. Thank you. Sorry about that, it was misspelled in the text I got.

MR. FALEAFINE: *(PowerPoint Presentation)* I am...is everybody going to see the presentation screen?

CHAIR KING: No, all we see is a blue screen.

MR. FALEAFINE: Just a blue screen.

CHAIR KING: So do you...Staff, do you have...Rayna, do you have that presentation? I think Nicole said we got it this morning.

MS. YAP: Yes, it's been uploaded to Granicus. So if Members would like to refresh, it's on Granicus.

CHAIR KING: Do you want to have us put this...the presentation up and then the slides. Can we do that?

MR. FALEAFINE: Would you guys be able to put it up through the Prezi link?

CHAIR KING: Can we go ahead and put that...put it up for him, and then just have him let you know when he needs to...

MS. SIEGEL: I have the PDF, I'm just not familiar with that Prezi program. Would I just put the link in the web browser and hit play? Because the pdf is a very large file.

MR. FALEAFINE: Yeah.

CHAIR KING: Oh, okay.

MS. SIEGEL: One moment.

MR. KAHAIALII: Paulo, is there a way for you to share your screen?

MR. FALEAFINE: I clicked the share screen, but I'm not seeing my screen being shared, so...yeah.

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MR. KAHAIALII: Yeah.

CHAIR KING: Yeah, you have to have the...you have to have it up...do you have the presentation up on your screen, Paulo?

MR. FALEAFINE: Yes.

CHAIR KING: Okay, but it's not sharing.

MR. FALEAFINE: Wait, there's a pause. What is this?

MS. SIEGEL: Maybe try cancelling the share screen, and then if you have the presentation open, and then try resharing and click on it.

MR. FALEAFINE: Okay, let me try that.

MR. KAHAIALII: I can also recommend going through browser mode or downloading the application if you're doing one or the other.

MS. RODGERS: Yeah, the browser should work fine.

MR. FALEAFINE: Unfortunately I'm clicking stop share, but nothing's happening.

CHAIR KING: Well, you're on stop share so we're all back on the screen. So what she was suggesting you try is to try sharing again now that you've got the presentation on your screen.

MR. FALEAFINE: Yeah.

CHAIR KING: Try doing share screen again.

MR. FALEAFINE: On my computer, the share screen is still on.

CHAIR KING: It's not on in our meeting.

MR. KAHAIALII: But I think his computer is frozen, so maybe restart the BlueJeans.

MR. FALEAFINE: Uh...okay. Let me try that.

VICE-CHAIR SINENCI: Chair?

CHAIR KING: If you folks want to work on that and try to figure how to get that up, we can maybe bring our next presenter...we can go to our next item, and just defer this to a little later on the agenda.

MR. FALEAFINE: Okay.

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CHAIR KING: You know, because...you know, we were hoping to get the presentation earlier, but I think we just got it this morning, so that Staff wasn't able to assimilate the program that you use. It's not in our regular program.

MS. SIEGEL: Chair?

MS. RODGERS: I can try and share my screen if that might work better, I don't know.

CHAIR KING: Is that Martha?

MS. RODGERS: Yeah.

CHAIR KING: Okay.

MS. RODGERS: You want me to try and share my screen?

CHAIR KING: Okay.

MS. RODGERS: I don't know if it'll work, but we'll see. I need permission.

CHAIR KING: Can you give Martha permission to share her screen?

MS. RODGERS: Well, no. I have to reconnect to BlueJeans, and it should work after I do that. So I'm going to jump out and come back in.

MS. SIEGEL: Staff can also try sharing too. We have it up in the browser, but it looks like --

CHAIR KING: Okay.

MS. SIEGEL: -- it jumped off. So Wilton, if you want to...

CHAIR KING: I think you should...yeah, I think you should just go ahead and do it...go ahead and do it, Nicole, and then we'll bring Paulo back on. Can you pull up the presentation?

MR. KAHAIALII: There it is. Awesome.

CHAIR KING: Okay. Is that you Nicole, or is that Martha?

MS. SIEGEL: That's Wilton.

CHAIR KING: Oh, it's Wilton.

MS. SIEGEL: So if you could just let him know when to move forward.

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CHAIR KING: Okay, Wilton...yeah. So if we can bring Paulo...if you can get back on and just start the presentation, then Wilton can advance the slides as you let him know. Are you there?

MR. KAHAIALII: Technology, you gotta love it.

CHAIR KING: Did we lose Paulo? Oh, Paulo's back. Can you go ahead and start the presentation?

MR. KAHAIALII: Paulo.

CHAIR KING: Can you let him know that we can't hear him?

MR. KAHAIALII: Paulo, we cannot hear you.

CHAIR KING: You might be muted. You want to give the presentation . . .*(inaudible)*. . .?

MR. KAHAIALII: I would, but he's got a lot of content in this presentation that...there he is.

CHAIR KING: Okay, he's back now.

MR. KAHAIALII: He just joined the call. Paulo, they uploaded the presentation, why don't you go ahead and take it from here.

COUNCILMEMBER PALTIN: You're muted.

CHAIR KING: Unmute yourself. You're muted, Paulo.

MR. FALEAFINE: Here we go. Boy, technology is really giving us a run for our money here. All right.

CHAIR KING: That's why we start every meeting asking everyone to be patient with the glitches in the technology. Okay, go ahead. We're on the second slide, so let's start from here and go forward.

MR. FALEAFINE: Okay, I'm going to be saying next slide quite a bit. Can I try share one more time, and then...so that I can just...

CHAIR KING: No, let's just go ahead with it...let's just go ahead with this one. Because we've got a busy agenda, so we need to move ahead.

MR. FALEAFINE: Sure. Okay, next please. So what this is...you can keep clicking on next until we go into the Hawai'i Thriving bubble here. So the Ho'omāhua Initiative is about what Hawai'i thriving is, the technology, the impact, the plan and then go on to next steps. If you can click next. So...next again, please. So Ho'omāhua...next again, please. So Ho'omāhua means to increase, to expand, to enlarge and multiply. And with this initiative, what we're looking to do is bring this technology to create our thriving communities. Next. The purpose...the purpose of why we're doing this is to

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perpetuate Native Hawaiian Culture, advance Native Hawaiian economic opportunity, and grow the Hawai'i circular economy. Next, please. And we're going to look to do this by harnessing smart regenerative tourism to create thriving communities. Next slide. And we're going to basically look to deliver on Smart Tourism solutions with the community non-profit business and government stakeholders. Next, please. So the question is, what is Smart Tourism, or what does it enable us to do? And so if anything, these are the key takeaways to know about Smart Tourism. It enables tourists to make intelligent decisions, allows them to see real time data of hot spot crowding, and provides incentives...promote positive choices, like not driving to Hāna when it's full. It connects tourists to stakeholders, creating a tool for economic resilience, cultural perpetuation, and appreciation through education and activities, and improve relations with regenerative tourism, and growth to the circular economy with buying local. And it creates opportunities for better governance through delivery of objective data that can shape policy and improve public safety. In short, Smart Tourism is going to be a connected app that lets folks tie into everything...the community, resources, education, reservations, et cetera. Next, please. So let's go into a little bit of what the technology is. The technology is called the LiDAR. Basically we're combining Internet of things, devices, which is smart devices that communicate on the network or the Cloud. And it's LiDAR, and we're combining that with apps and dashboards running off of the Esri platform, which is a global information systems mapping leader, and that uses GPS. So...next, please. So with these LiDAR devices, they're made in America, human and animal eye safe, and what it does is basically creates a 3D picture with about 1.5 million dots of light a minute or so. And with the artificial intelligence that comes with it, it's able to not just paint a picture, but identify about 260 objects at a time. And through the artificial intelligence, can identify if that object is a person, an animal, a vehicle, a vessel, and it's accurate down to about three centimeters. So it can get everything down from a mongoose on up, you know. And then the devices themselves don't collect any personal identifying information. All it knows is it's a shape, it cannot tell you who the shape is, what it's wearing or anything, it just tells you it's a shape and this is most likely what it is. But when you integrate with like a CCTV system, camera system, the objects can then be identified and tracked over the network where all of these objects are linked to. And then it can also provide automatic alerts. Next slide, please. So this video that you're going to see is essentially the demonstration that we did out of Twin Falls on the 17th of August. We presented it to HDA, NBCD folks. And so what you're seeing on the left there is the three dimensional picture that the technology picks up. And then what you're going to see is vehicles start passing by...they'll look like big boxes. And then you see little green boxes, those are actually people that the technology is seeing. And so this is...we did this at Twin Falls for a period of one hour, from 8:00 to 9:00 a.m. on the 17th. And in that time period alone, we tracked 300 cars that went into Hāna. So while this thing tracks vehicles, it's also able to, like we said, look at about 260 objects at a given time and send real time alerts to folks as far as, you know, if someone's entering a place they shouldn't, or trespassing, and that sort of thing. So this application, beyond the tourism aspect, definitely has value when monitoring large areas, when monitoring shorelines, in that it can set up, you know, real time information to stakeholders that need that information. Next slide, please. The apps and dashboards with that GPS integration is going to allow us to do incentivization by geo fencing. So let's say Hāna is full,

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someone passes Pā'iā, it's full, they get an alert if they're on our app saying, please turn around, go visit another part of the island. They pass, let's say, Ho'okipa, and they're still on that route, then maybe they can be incentivized with some sort of a coupon from a participating business to go to another side of the island, and that they...you know, they have to take advantage of it in that time frame. So that's one of the ways we'd be able to incentivize folks. The big picture of what we're trying to look at doing--you can click next slide, please--is looking at having all of these marked sites established on the island so a tourist can look at a map just like this and identify really quickly at a glance what they want to do based on if it's open, congested or full with simple color coding of, you know, green, yellow, red. And then if an area is totally full, like you see East Maui is labeled in red, then that kind of gives that picture like okay, let's go, let's say, to South Maui because it's green, you know. So that'll allow for tourists to hopefully make the right decisions, and allow for you folks to have that real time data that we can then collect into a larger database. That way you can see that legacy data and make better planning decisions, yeah. And then with that...with this system through the app, we'd be able to integrate stuff like reservations and highlight these Native Hawaiian owned and local Hawai'i domestic businesses for people. So when they, let's say, click on a part of the island that they want to go visit, they can then filter on...on the app areas of interest for eating or for events or the sort, and we would work the highlight specifically Native Hawaiian owned or Hawai'i domestic businesses to help that circular economy. Next slide, please. And one more time. So part of what the app is going to also include is educational content. This is a...just a quick walk through of one of the...what they call a story map. And where it's...what we're hoping to do is basically create a story map with schools as like a class project, to where each school can tell their story of their ahupua'a. And then when they click an ahupua'a like you see on the left there, it'll pop up the information of what that ahupua'a is, what the moku is, what the mokupuni, and then have a link to a story map just like this. So that way, from tourists to our youth, everybody can be informed on the history and culture of each community, yeah. So that's part of the educational piece that we can provide as well. Next slide, please. Okay, so let's go into what our goal is...the impact we want to make. Next slide. There's five specific goals, there's ten specific objectives, and there's 24 measures that we're seeking to achieve with this. So for the sake of time, being that you all have the presentation, I'll just glance over on the objectives as the measures are really driven down. So the five goals are to advance Native Hawaiian economic resiliency, and that is what we're going to look for in the grant that we're applying for, is to impact Native Hawaiian economic resiliency. It's to perpetuate Native Hawaiian cultures, to improve tourism management and community planning, to grow the Hawai'i circular economy, and to positively impact communities. Next, please. And so like I said, I'll just glance over on these objectives so we don't drill down so much into the measures...you can take the time for yourself to look through that. This first objective obviously...encourage and support Kanaka Maoli, our Native Hawaiians economically benefit from the tourism industry. We look to do that by working with our additional stakeholders that are focused in business development to talk with folks, to go from an ideation to a creation phase on one end, and then to also work with individuals and families to become financially literate and to support their homes...get into a home maybe. And then we have another stakeholder KEDA...so HYPE is our financial literacy arm that would work with our folks and

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consult with them, they provide free financial literacy to folks. And then the other non-profit would be KEDA, the Kanaka Economic Development Alliance. They have a database of all Kanaka Maoli businesses and are just receiving grant funding to expand their database to include resources to connect businesses to businesses and support them. So they would come aboard to assist in the incubation and acceleration part of businesses that are already up and running. And then with all this, we'd look to have folks be able to integrate through the app...highlight their businesses, highlight products that they're selling, et cetera. Next slide, please. You're probably going to have to click about three times. Yeah, so these are all of our measures that we'd look to do for the grant. Next. Next objective you're looking at, you know, for me personally, this is like the core of it, is to ensure Native Hawaiian youth see their culture as valued, and encourage cultural growth, and provide meaningful engaging education content for authentic cultural learning. So this all for me started with the premise of we want to see youth actively participating in learning their language, and participating in their culture, and see that their culture is guided by tourists who volunteer or pay to do services with them to learn how to do everything from being in a taro patch, to fish pond building, to speaking the language. So with that, this goes into the regenerative tourism piece where tourists come, they make reservations to volunteer, or they make reservations to pay for that activity, and hopefully that inspires young people to continue living their cultural heritage, and they see a value in that beyond just keeping that going, yeah. That's...you can click about three more times...and one more please, yeah. Oh, one back...I'm sorry. So this is the key objectives, to laundress Smart Tourism approach, which will include apps, dashboards, and the technology we've discussed to empower decision makers, you all, with objective data that these devices can capture and catalogue and to increase public safety. So our...next, please. Our primary objective is to have enough funding to establish 70 smart sites across Maui, you know, and that can be impacted out to the outer islands as well. And, you know, if we can get this federal grant funding to do this, of course, the key targets would be everywhere tourists want to be. So from the airport, to knowing how long the waiting line will be down to Twin Falls, with knowing that it's at capacity, et cetera, that would be the goal. And then with this, once again through that app, it'll be the one source that everybody can communicate to...get to...so we can have it on the website as well. And then the ultimate goals, of course, is to decrease the impact to all of these areas, yeah, with people making the right decision. Okay. You can click three more times. The other objectives connect tourists directly to Native Hawaiians--we've already went through that--and promote the growth of the circular economy. So just in short is...you know, part of that beyond the tourists interacting with these businesses and non-profit organizations and the community is also to grow that network of local businesses, so that way we can encourage them to purchase from each other, growing that circular economy idea that much more, yeah. Next slide, please. About three more times. We're also looking at supporting our non-profits and community service organizations that'd be able to tie them in with the reservation system through the app, so that way people can volunteer at stuff like Honolua...at, let's say, coming out to that, the educational table, and sharing information, yeah. And when we do this, you know, we're really going to want to try and keep everything as digital as possible so we don't get, you know, paper flying all over the place, or materials polluting the area, yeah. So when we get to the next steps, we'll talk about our plan

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for that. Next slide, please. About three clicks. Okay, so that's in...you know, in summary, our five main goals and our ten objectives. Now we're going to take a quick dive into what the plan is--if you can click the next...and one more. So we have five phases to our plan. The plan is looking to go from now until July 2024. So right now, we're in our support phase, where we're getting support and necessary stakeholders to develop the initiative. This is obviously a key part of that. Your vote to support in resolution us moving forward with the Ho'omāhua Initiative will allow us to apply for the EDA grant that we seek. Next slide, please. Coming up from next month to November, we're going to be going into the next two phases...one is to research, the other is to develop. So in the research, we want to gather everything we need necessary to strengthen our grant application and gain more support for the initiative. So Save Honolua folks coming onboard, we've...with discussions now are looking to them as our starting point where we can start that data gathering. Next slide, please. On the development phase, which is October through November, that's where we put all the logistics required from the grant writing to everything, and the research and go for the grant funding...and also continue just basic fundraising efforts to continue this initiative.

CHAIR KING: So Paulo, can you wrap it up...I want to get to Members' questions before the break.

MR. FALEAFINE: Yeah, almost pau. Next one. Implement phase, that's where we execute the plan and meet all the goals and objectives and measures. Next slide, please. And then extending beyond 2024, at that point we hope to have enough revenue generation with this whole system to continue its growth. Next slide, please. Current progress is we have the capacity now with our team to deliver on the goals and start immediate roll out. We've done our live demos, we've been in active talks with Partners in Development Foundation as a fiscal sponsor for this Federal grant, and we have six entities that have signed onboard in support of this initiative. Next slide, please. Two times...two more clicks forward. So specifically, we're...so specifically we're asking for that resolution of support to apply for our grant. We're going to seek about \$3 million in funding to launch all of these goals and objectives, and we're seeking initial funding from the County, if they could support the effort for our grant writer, which is coming in at about \$15,000...\$25,000 would be to establish a Smart Tourism site at Honolua officially, and the \$5,000 would be able to support these education tables and, you know, bring some of this technology down there to Honolua, so that way we can inform tourists about everything that we're doing. Next slide, please. So in closing, the Honolua...the Ho'omāhua Initiative will connect visitors through this applications and website that then goes into building this circular economy, goes into creating our thriving communities, and that's where we can harness smart regenerative tourism to create our thriving communities. Next slide, please. And that is it...thank you for all of your guys' time. Thank you for this opportunity. And if you have any questions, we have Martha with Bay Park Data Solutions, she is on the GIS side; Murat Atalay is with Quanergy on the LiDAR side, if you have specific technology questions.

CHAIR KING: Okay. Thank you for that presentation, Paulo. And I'm going to move into...because we don't have the Department here or the Mayor's office, I'm going to

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go ahead and move into Members' questions. And while we're doing this...we'll give everyone two minutes to ask questions of any of these folks who are resource persons. And while we're doing this, if...Nicole or Rayna, if you can...or Wilton, if you could load up the resolution just so we can move into the resolution...that was the part that I was hoping that we could pass out of the Committee today. I'm not addressing the actual funding part today, so let's try to keep whatever questions to the support that we would be giving to the project for the grant that they're applying for. So I'm going to go ahead and just let you folks raise your hands and so we'll start with Member Johnson, followed by Member Sinenci, our Committee Vice-Chair.

COUNCILMEMBER JOHNSON: Good morning, Chair. Thank you folks for that very technical presentation, it was really nice. I...you know, it's fascinating, and I love the technology of it, and I just kind of have a question in regards to the same thing that I...whenever it comes to maps and mapping is that, you know, people...folks who are color blind have a real hard time with red and greens. In fact, 99 percent of color blind people are...that is those colors, is red and green in color blindness. So when we present this to the community and to the tourists, I would hope that maybe there is other creative ways that you can use your technology to show them red is overcrowded and green is a go, so that way you can incorporate all...you know, like the universal design, like people who aren't color blind might like a pattern behind that. So those are just some questions that as the...you know, as the technology stands on your mapping, is it possible to change colors and put maybe a pattern behind those red and green notices?

MR. FALEAFINE: Absolutely, and thank you.

MS. RODGERS: Yes, absolutely.

CHAIR KING: Okay, if you guys...when you're answering...if you want to...raise your hand if you want to answer the questions so I can call on somebody. Is that Martha? Martha, you can answer.

MS. RODGERS: Oh, okay. I was just going to say, absolutely. I mean, Esri is the world leader in GIS mapping, and are well aware of the accessibility issues that some people have. So we can do patterns, symbols, shapes, background symbols...we can do a focus group and figure it out. It's all possible.

COUNCILMEMBER JOHNSON: Okay. Thank you. Chair, that's my only question for now. Thank you so much.

CHAIR KING: That was a great question. I wouldn't have thought of that.

MS. RODGERS: Yeah, thank you.

CHAIR KING: Probably because more men are color blind, I've heard, than women, but...Member Sinenci...our Committee Vice-Chair, Member Shane Sinenci, followed by Member Molina.

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VICE-CHAIR SINENCI: Mahalo, Chair. Aloha and mahalo, and...gang, and thank you for their presentation. It grew from the last time I saw it, so well done. I was just saying... and I'm very appreciative of the cultural aspect of this technology. I did participate in the sustainable tourism last week with Genesis Young. And so my presentation at that sustainable tour summit was that if visitors are coming, the message we want to give to tourists and visitors is that if you're coming during certain times of the year, you're coming and you're experiencing a live...a living culture that is in the process...that you're not just coming at the whim. And the reason for that is if you're coming during the lono season of October to February, you're coming during flash flooding, rainy season, those types of things. If you came during the summer, you know, the culture is going through different things. So I think that message is it's important for...when you're putting this out in this platform that you remind our visitors that you're coming and you're visiting a live culture that is in the process with all the seasons and everything. My question was, have you presented this or shared this information with the Hawai'i Tourism Authority?

MR. FALEAFINE: Yes, we have. We...on the 17th of August, they were on the Zoom call when we did it from Twin Falls, HTA, MVCB, and then we flew to Honolulu the next day and presented live from the Hawai'i Convention Center, the Executive Boardroom A, and invited folks to come and see it live. But COVID was doing its thing, and so we had about 13 folks or so tune into the meeting from HTA, MVCB, across all of their branches, and also a representative from the Department of Transportation. But we have yet to hear further support of . . .(timer sounds). . . of the initiative . . .(inaudible). . .

VICE-CHAIR SINENCI: Okay. Thank you, Paulo. Thank you, Chair.

CHAIR KING: Okay. Thank you, Committee Vice-Chair Sinenci. Any questions? Member Molina?

COUNCILMEMBER MOLINA: Yeah. Thank you very much, Madam Chair. Aloha, everyone. It just want to echo the same sentiments of appreciation to all of you from my colleagues. And I find this really interesting, the Smart Tourism concept and all the technology that's being implemented. And I'll focus there first. Are there any fees to utilize the Smart Tourism platform, and if so, what are the fees and is it...would it be contracted annually?

MR. FALEAFINE: That would depend on who's using it. Our goal is to get this in as many tourists' hands as possible to make it work, so we would look to have the app as a free download, and then offer in app purchases for activities that they may be interested in.

COUNCILMEMBER MOLINA: Okay. And will the app be available for out of reception areas as well?

MR. FALEAFINE: Yes. Martha did you want to speak a little bit on that with the GPS side?

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MS. RODGERS: Sure, yeah. You can have offline...the mapping and whatnot can be offline. The...as far as getting the crowd count real time live information, it would be coming in up until you lose signal. And so, you know, you'll have it live up until you lose signal, of course, and then it'll come back in...be coming live again as you gain signal again. But that latest information will still be in your app, so it's relatively live the whole time.

COUNCILMEMBER MOLINA: Okay. And has there been any discussion...for example, for the data that's to be collected, will it be based on the number of people that sign up for it? And what happens if the volume of users happens to be low?

MR. FALEAFINE: As far as the app usage itself?

COUNCILMEMBER MOLINA: Yeah, yeah. Is there anything...if it happens to be low, is there any plan to see how you can get that volume up high?

MR. FALEAFINE: Yeah, that's where we...you know, in one part, having the education tables is going to be a critical piece for that organic generation of app users. Then the next part is going to be to see how we can make these relationships with MVCB and at the airport, or other stakeholders that can help to really promote people to use the app, yeah.

COUNCILMEMBER MOLINA: Yeah, I like that hotspot congestion where people can find out, okay, hey, this place is full, so...I mean, that's a real plus in terms of quality of life, and helping to get tourists to understand, you know, hey, stay away from this area if at all possible and go do something else. And I appreciate you trying to connect the youth with the tourists, so create more of a...rather than the perception of tourists being just other people, but hey, you know, they're people as well, and so, you know, both residents and tourists can sort of come together and have a better understanding in terms of their relationship. Because, you know, we all like the tourism for the money, but we certainly don't like the impacts that it has, you know, as far as quality of life issues go. But anyway, thank you so much. This is really innovative and cutting edge, and good luck with it.

MR. FALEAFINE: Thank you.

COUNCILMEMBER MOLINA: Thank you. And I appreciate all of you trying your best to manage tourism. Thank you, Madam Chair.

CHAIR KING: Thank you, Member Molina. Yeah, and the thing that really impressed me when they first contacted me about this is it's a local effort, you know, it's not coming from the...they reached out to the mainland for technical support, but this group that's doing this is locally based here in Hawai'i and on Maui. Member Sugimura.

COUNCILMEMBER SUGIMURA: I just have a quick question, and then I wanted to hear from Kamaunu Kahaialii because he's sitting here, and I just wonder...I know he has some kind of...he has a cultural aspect that I think I'm interested to hearing how he would contribute. So I was wondering about the funding, and I heard you say in your

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presentation is \$3.5 million from EDA grant, which is Federal, and then 45 million...I'm sorry, \$45,000 for County of Maui. And where was that pot coming from and who did you...who are you applying with, is it OED?

MR. KAHAIALII: Go ahead, Paulo.

MR. FALEAFINE: Yeah. So for the County funding, we're really just throwing that request out there to you folks, and hoping that you guys can provide us, you know, the right guidance as far as where to turn into that part of it, yeah.

COUNCILMEMBER SUGIMURA: I see. And what kind of time schedule were you looking at for the \$45,000?

MR. FALEAFINE: So we've been working with Melissa Hepp as our...or the grant writer, and she has...she used to work with Patsy Mink, and has a lot of experience going for Federal grants...she's applied for three different EDA grants before. The window closes on September of 2022, but the way the grant is, it's...when the money runs out, it's gone, and so she urged us to move as quickly...basically as quickly as possible through the process, so that way we have a competitive chance for the Federal funding, yeah.

COUNCILMEMBER SUGIMURA: In other words, you're looking for the \$45,000 now, so that you can start writing your grant for the...I guess its deadline of September 2022.

MR. FALEAFINE: Correct. And the main portion of funding that definitely needs to be there is the 15,000 for the grant writer so we can move that piece forward. The additional 30,000 would allow Honolua to be established as that first Smart Tourism site, and be that example that hopefully draws in more and strengthens our competitiveness of the grant, yeah. . . .*(timer sounds)*. . .

COUNCILMEMBER SUGIMURA: Okay. I would love to hear from Mr. Kahaialii if you would allow him later.

CHAIR KING: Yeah, let's see if there's any other questions...any other Councilmembers have questions. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I have two main questions. You know, we have had quite a bit of people reach out to us against 5G. And I just wanted to confirm publicly that the LiDAR doesn't need 5G to operate?

MR. FALEAFINE: That is correct. Murat, if you could speak to the amount of data that needs to be sent out, that what type of spectrum it can run off of? I don't know if Murat is still with us with Quanergy.

COUNCILMEMBER PALTIN: And then the other question would be 33...\$15,000 is about 33 percent of the \$45,000 total, and I haven't ever seen like that high of a percentage for the Administration portion of a grant before. Have you researched other grants, how

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they were awarded, and the maximum given for the Administration portion for a grant writer and things like that? Is that something that you've come across regularly?

MR. FALEAFINE: So the grant that we'd be applying for would be in that \$3 million space.

COUNCILMEMBER PALTIN: Oh, okay.

MR. FALEAFINE: We're just requesting the supportive funds for the grant writer too, so we can apply for the grant. But I don't know if Murat is still with us, but the technology with . . .*(inaudible)*. . .

CHAIR KING: I see...yeah, he's here.

MR. ATALAY: Okay, sorry. Hi, everyone. Murat from Quanergy. As Paulo mentioned, the technology actually...the data we're sending out is within kilobytes of data, so either with...even with 2G, 3G it should be...properly be able to upload it quite fast by giving the . . .*(inaudible)*. . . It's currently fast, and we definitely do not need 5G for this kind of a data to be sent out over to other networks.

COUNCILMEMBER PALTIN: Great.

MR. FALEAFINE: Okay, thank you.

COUNCILMEMBER PALTIN: So you're saying the 15,000 is part of a \$3 million grant.

MR. FALEAFINE: Correct.

COUNCILMEMBER PALTIN: Oh, okay, okay. So that's definitely within the correct range. . . .*(timer sounds)*. . .

CHAIR KING: Okay. And that would be a Federal grant so they need a grant writer for the Federal grant. So let's see, we have...do we have any other questions from Councilmembers who haven't asked yet? I think the only one is Chair Lee, so you're good? So what I'd like to do now is...does anybody need to go through this resolution line by line...it's in the chat...there's a direct link to it in the chat. If we're ready, we can go ahead and vote on it; but basically, the resolution is urging...you know, it's the Council support, and then urging the Mayor to support the implementation of the Ho'omāhūa Initiative, and this is what they need as soon as possible to also apply for that Federal grant.

COUNCILMEMBER MOLINA: Recommendation, Chair.

CHAIR KING: All right. Thank you for asking for that. So my recommendation would be to...I'd like to entertain a motion to adopt...for the adoption of the proposed resolution entitled, "URGING THE MAYOR TO SUPPORT THE IMPLEMENTATION OF THE HO'OMĀHUA INITIATIVE," allowing Staff to make any nonsubstantive revisions.

COUNCILMEMBER SUGIMURA: So moved.

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VICE-CHAIR SINENCI: Second.

CHAIR KING: Okay, moved by Councilmember Sugimura, seconded, I think, by Member...I couldn't really hear who...oh, we'll give Committee Vice-Chair Sinenci the second on this one. And any discussion, Members? Member Sinenci.

VICE-CHAIR SINENCI: Mahalo, Chair. Yeah, I'd like to speak in support of the motion on the floor. I had the opportunity to meet with the group today, Ho'omāhūa Initiative, and I just wanted to add that I am participating in the County who are a TIG, temporary investigative group, where one of my proposals was to actually put more funding for apps, such as this Smart Tourism app, to non-profits that do not always represent the tour industry to help with tour managing. So I just wanted to speak in support. My second proposal was to establish more of the cultural districts that some of the...that was presented today. So hopefully, if we do establish cultural districts, where there are more placards, statues, museums that can direct our visitors to, could also be helpful for this app. Mahalo, Chair.

CHAIR KING: Okay, mahalo. Councilmember Paltin.

COUNCILMEMBER PALTIN: Oh, I'm supportive. I just...for the part three, I think that was Ohana 'Ekolu, LLC and then...

CHAIR KING: You're talking about the resolution?

COUNCILMEMBER PALTIN: Yeah. And then I think maybe remove Rod Antone since he has since stepped down, but those may be nonsubstantive...just confirming Ohana 'Ekolu, LLC.

CHAIR KING: Oh, okay. That was a...yeah, that was a misspell. So it should...it says Ohaka, it should say Ohana. Staff, can you get that, and take out the...take out Rod Antone since he just stepped down in his position. And I think we can just call those nonsubstantive changes. Is there any objections? Thank you, Member Paltin. Okay, and who else had their hand up? Member Sugimura, did you have your hand up?

COUNCILMEMBER SUGIMURA: Yeah. Of course I'm very supportive of this, I'm glad to see it actually because it kind of brings all the different elements of what we've been saying for a while. And I'm glad that you're doing this, and I hope that you will then focus, or you're working with the Destination Management Plans that have been launched for the whole State, because I can see a very big benefit if Hawai'i Tourism Authority would implement something like this for every island, you know, yeah. And...because I think that's what the Destination Management Plan is about anyway. So I know that this is going through the Maui Visitors Bureau, and MVB is the one that's...I think they hired a staff recently to launch or to implement the Destination Management Plan, so I just want to add that in. And if you need any support in that, I'm 100 percent in support of making sure that it kind of...you have a statewide reach. And I think it's huge what you're trying to do, so thank you very much.

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CHAIR KING: That's great. Thank you, Member Sugimura. Member Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you very much, Madam Chair. I want to state my support for this as well. I guess you can call this tourism connectivity and...in terms of educating the tourists to the culture, and of course, having our youngsters...I like that...making them aware of the history of the ahupua‘as, that’s so, so important for the next generation of youth coming up here. So keep up the great work with this. This is certainly very innovative and cutting edge. Thank you.

CHAIR KING: Okay, thank you. Any other comments or discussion before we vote? Okay, so we're going to go ahead and vote on this. All those in favor of the motion on the floor, raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

VOTE: AYES: Chair King, Vice-Chair Sinenci, Councilmembers Johnson, Lee, Molina, Paltin, and Sugimura.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: Recommending ADOPTION of revised resolution.

CHAIR KING: Okay, measure passes seven to zero...it's unanimous. We'll go ahead and pass this resolution forward to the full Council. And it only takes one reading because it's a resolution, so then we should be able to go on...and I want to encourage you to work with all the Councilmembers too, on...if you're looking for funding, you know, there may be some pots of money left in some of our individual district funds or something that we could direct your way. I think there is a grant at the County level for tourism information, you know, tourism...this kind of activity, but I think it might take you too long to get that one, so it would be quicker if you could pull maybe several Councilmembers, you know, just to get that 15,000 to get it going on the grant. But that was just a suggestion, I don't want to pressure any Councilmembers into using your district funds where you've already got them subscribed. So Members, it's 10:46. So I'd like to take a ten-minute break and come back, and then we'll hear from Stephanie Ohigashi on her project. And I don't think...we're going to defer that project, so we're not going to take a lot of time on question and answer, I just wanted to put it in front of you, the Sister Cities Sustainability Summit that she's trying to put together. And she's going to...she's

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working on trying to get support for that. But as far as this item, I kind of want to defer the County Communication that's on tourism impact. So I don't want to file that. So if there's no objections, we'll defer that item and just file the...we need to file the County Communication that I sent in, Nicole?

MS. SIEGEL: I don't believe so, Chair.

COUNCILMEMBERS VOICED NO OBJECTIONS

ACTION: DEFER.

CHAIR KING: Okay. All right, so we're good then. We'll pass it on. Thank you, all of you for showing up and...Wilton and Paulo and Martha, you know, I really appreciate the fact too that you're kind of keeping in touch with the conversations that are going around with the State because they contacted me after I was on that PBS special. And there weren't very many people on that special speaking up for the public, so...it's mostly industry people. So I really appreciate you guys, you know, taking care of our community and watching out for the residents. I appreciate this community support. So it's now 10:47, we'll come back at...let's come back at 11:00, I'll give you a few extra minutes since we worked past our break. Is that okay with everybody? And then we'll see if we can get through our next two items. All right. So we're right now on recess at 10:47. . . .*(gavel)*. . .

RECESS: 10:47 a.m.

RECONVENE: 11:00 a.m.

CHAIR KING: . . .*(gavel)*. . . All right, Members, it's 11:00. Will the Climate Action, Resilience, and Environment Committee please reconvene. Thank you for a rousing discussion with our previous group. That was...it's really exciting to see this kind of initiative coming from local folks here. And I was really pleased to hear the Honolua group coming forward too, because we'll solve that problem too, hopefully.

CARE-1(6): SISTER CITIES INTERNATIONAL (RULE 7(B))

CHAIR KING: So Members, we're going to move into the next item, CARE-1(6), the Sister Cities International. And we are going to be hearing next about Sister Cities International, a national membership organization for individual sister cities, counties, and states across the U.S. that is committed to promoting peace through mutual respect, understanding, and cooperation. We will be learning about the organization's Sister Cities Sustainability Summit, and we have today our good friend Stephanie Ohigashi, Hawai'i State Representative with Sister Cities International. She's going to explain here to...what the sustainability summit is, provide comments, and answer any brief questions that Members may have. This is just a...this is more of kind of an introduction that I wanted to let Stephanie give to this project so, you know, hopefully we...as they move forward with this proposal, we can develop a resolution or some kind of support for the actual event. And if there are no

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objections, I would like to designate Stephanie Ohigashi as a resource person pursuant to Rule 18(A) of the Rules of the Council.

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR KING: Okay, great. Thank you. Okay, so she doesn't have a formal presentation today, but I'm just going to turn the floor over to Stephanie for the next five minutes or so, and you can introduce your...the organization with more details, and then what the project is. Take it away, Stephanie.

MS. OHIGASHI: Thank you, Councilmember King, Chair King of this Committee. Can you hear me, is there an echo?

CHAIR KING: Yeah, we can hear you.

MS. OHIGASHI: Okay, great. I do want to disclose that I'm joining you from my husband's Main Street law office in historic downtown Wailuku. And I just discovered while we were on break that we had a break in. I had no idea that someone came in from the back of our building, removed the air conditioners and came in last night. So I'm a little shook up. I want to disclose that my husband is milling around, checking around, and there will be MPD visiting us very shortly.

CHAIR KING: Wow, do you want to defer this, and we can bring it up later?

MS. OHIGASHI: Oh, absolutely not. I just want to keep going because I think it's very important to share that while we have our wonderful venues for our tourists, we have to also educate the locals to respect our circular economy and our businesses. But anyway, thank you so much. I am the State representative of . . .*(inaudible)*. . . all 50 states have a representative, and we meet monthly...mostly on Zoom, of course, and we have reached . . .*(inaudible)*. . . successes, relationship activities . . .*(inaudible)*. . . events. I really enjoy being globally connected to fabulous elected officials, ambassadors, people all over. So Sister Cities is a non-profit organization created in 1956 by...at President Dwight D. Eisenhower's conference on citizen diplomacy. It is a network of 2,000 cities, states, counties, in 140 countries on six continents, so it's a very broad-based organization. It's mission is to build global cooperation at a municipal level where you're at, and it promotes cultural understanding, peace, stimulates economic development. And the most important aspect is, I think, collaboration with other organizations that share similar goals, like building food security, clean water, sea level rise, sustainability, et cetera, et cetera. Today's meeting by the prior presenters was of great interest to me. One of my other hats is that I'm the International Director at UH Maui College, and we do have tourism. We do have regenerative tourism curriculum, so I really would like to see Paulo's organization intersect with us at some point in time, and to invite them to be part of it. So your peers who came before you created Sister Cities relationship, the very first one in 1964 with an island called Hachijō-jima, and since then you've added 25 sister cities, including Scotland, and I thank Alice...Chair Alice Lee for the greeting. I don't think I will try to mangle that, she did a perfect job. We have France, Spain, and a friendship city in Praha 1 in the Czech Republic. So interesting fact that maybe you

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all don't know is that our Sister City of Dornoch, Embo, Scotland is actually twinned with Kaunakakai because of the nexus of fishing and farming. And I have been in contact with the people, it's a local township in northern Scotland. They are a very small, close knit community, and I was invited to be part of the local town trust, which is similar to a County Council. They meet in an old school classroom, and they talk about the really big issues affecting Dornoch, like over tourism, over fishing, and what they're going to do to sustain their Highlands lifestyle. And the big issue of the day is which farmers lost their cows, and to look out for them. So it's really a warm and fuzzy relationship that I hope...

CHAIR KING: Was that called...did you say it was called doorknob?

MS. OHIGASHI: Dornoch.

CHAIR KING: Oh, Dornoch.

MS. OHIGASHI: Yeah, it's D-O-R-N-O-C-K [sic], Embo, Scotland and you don't need to take and look for things there because there are signs that welcome you as soon as you get there...it says Twins with Kaunakakai, Maui County, Hawai'i all over town. And you might now see cows, but you will see surfboards. So I would definitely connect you with those towns. One of the things that I'm working currently with is Moloka'i High School's Robotics Program and a local high school in Dornoch, Embo, Scotland. This is the big deal with Sister Cities is to involve our youth, because they are next generation of...oh, the police are here. Sorry about that. So Maui County is the only County with a volunteer organization. The other three counties...just to let you know that I might have to put on my mask...have staff, paid employees, and the office of the Mayor do parts of cultural and the arts, parks and recreation. Hi, there. And so I think Maui County is very fortunate to have a volunteer board that takes no pay, that does this 24/7, not only hosting, but picking up tourists, making leis, making bentos, whatever they can do to support the County's global relationship. It's really a wonderful organization to get to know even close. So like I said, you know, Maui County has these relationships to work with the other four counties, and we plan to go down to this sustainability summit because our goals are similar. We're islands, we have limited resources, and we want to pivot over to Smart Tourism, saving the things that are precious to us, are indigenous, storytelling, our food supply, energy, all of these things. So we're going to be working with all the other three counties on this. And looking forward, I wanted to tell you and give you a broad view of what we hope to accomplish too. In 2023, it'll be the 145th anniversary of the Portuguese Immigration to Hawai'i. And I hope all of you will be a part of it because many of our elected officials who would have their roots in Portugal, I myself came from San Miguel, my great grandparents came on the Highflyer. So we've never really celebrated the Portuguese community, but we're going to do it up big, and I invite you all to be a part of it. Maui County has two sister cities in Portugal; one in Funchal, Madeira Island, and one in Sao Miguel, The Azores, and they're very progressive in protecting their environment. In fact, I was on a Zoom with the President of the University of Madeira, his name was Silvio Fernandez, and the Vice-President of the University of Madeira, it was Silvia Fernandez...no relation, but they are in charge of innovation technology, research, internationalization and sustainability. So we are

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working really closely with them. They do plan to visit us in the near future. So without further ado, I want to say that there are exciting times ahead for all of Hawai'i's counties that have sister cities. What's coming up in January...

CHAIR KING: So Stephanie, just in the interest of time--and I know because you have a lot going on in your background--can you...

MS. OHIGASHI: Oh, no, no, I'm done, I just have one more sentence.

CHAIR KING: Well, I just was hoping that you could focus a little more on the sustainability summit...the sister cities sustainability summit, and give us some details on it.

MS. OHIGASHI: Yes, I will. I will...absolutely, will do that. So just a little tidbit in January, we're having...we're receiving 25 students from Northern Arizona State University come and study tourism and the Maui Nui D Map. And so it's very interesting how we're going to, you know, maybe connect with Paulo's group, how we can have them on a panel, because they have asked me to set up a panel about regenerative tourism. Very on topic for me today. But for the sustainability summit, we'd like to involve youth from our sister cities, elected officials and . . . *(inaudible)*. . . and use the UN's 17 SDGs as our foundation. We're not going to do all the 17 SDGs, of course, we want to focus on some that are relevant to Maui Nui and the rest of our County. That's kind of an overall umbrella picture of the summit. We don't have details of the dates because each County is looking at dates. We hope to have it on various venues like UH Maui Campus, the Aquarium with Tapani Vouri, different...and maybe the Pacific Whale Foundation, et cetera. But as we progress in making the plans, we will certainly keep you abreast of it.

CHAIR KING: Okay, but is it planned for this year or next year?

MS. OHIGASHI: No, what happened was, we had something planned for this year, but because of COVID we had to punt it over. So it'll be in the summer of 2022.

CHAIR KING: Okay. Okay, great. Well...

MS. OHIGASHI: Any questions?

CHAIR KING: Thank you so much for being here. I do want to get to our final item, but if anybody has got any questions for Stephanie on this, we will be following up on this and hopefully, maybe this Committee can give you some help on the sustainability issues as well.

MS. OHIGASHI: Yes. Thank you so much. Absolutely. I'm looking forward to your guidance. Thank you so much for having me today. I really enjoyed seeing Elle and Trinette and all of you. It's a warm and amicable group, and there's nothing better than to say we've got an amazing County Council.

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CHAIR KING: Aw, thank you. We really appreciate your appearance here, and we'll be following up with you. And if you could send me the information on the...our sister city in Scotland –

MS. OHIGASHI: Yes.

CHAIR KING: -- I might take . . . *(inaudible)*. . . in Scotland when I get there in November.

MS. OHIGASHI: Yes.

CHAIR KING: Okay. Thank you so much for being here, Stephanie. Aloha from all of us.

MS. OHIGASHI: A hui hou.

CHAIR KING: A hui hou, for sure. Okay, Members. So if there's no objections, we'll just defer this item, and move on to our...

COUNCILMEMBERS VOICED NO OBJECTIONS

ACTION: DEFER.

CHAIR KING: I'm looking forward to partnering with them on their sustainability summit.

CARE-55: WETLANDS RESTORATION (CC 21-358)

CHAIR KING: Okay, so we're going to go directly next into our Wetlands Restoration, CARE-55 issue, and today we have before us County Communication 21-358 from myself, your Chair, relating to the Wetlands Restoration Project. We also have correspondence dated September 22, 2021 from me as well, transmitting a revised proposed resolution entitled, "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL RELATING TO WETLANDS RESTORATION AND PROTECTION." The revised proposed resolution will refer to the Lānaʻi, Maui and Molokaʻi Planning Commissions, a revised proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING TITLES 2, 18, 19, AND 20, MAUI COUNTY CODE, RELATING TO WETLANDS RESTORATION AND PROTECTION." The purpose of the revised proposed bill is to establish a program for wetlands restoration and protection in Titles 2, 18, 19, and 20 of the Maui County Code. I appreciate the many comments our Committee received on the proposed legislation, and we will certainly forward those to the Planning Commissions as well for their review. After much discussion with the proponents of the bill, Office of Council Services, and Corporation Counsel in expanding the definitions of wetlands, it was advised by our legal advisers to focus the purpose of this bill on expanding the jurisdiction the definition applies to, so that it covers all the land in the County, not just land adjacent to navigable waters. So that's been the main problem with how wetlands have been addressed. It's been following the WOTUS, waters of the US, which only refers to lands adjacent to navigable waters. So this approach in this bill uses the widely accepted definition of wetlands to protect huge areas of land that are not currently protected. The Maui

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County Code does not currently include the establishment of a program for wetlands restoration and protection, and the State doesn't have a statute to restore and protect the wetlands. Guidance and justification for a County wetlands program can be seen throughout the countywide policy plan, the Maui Island Plan, Lāna'i Island Community Plan, Moloka'i Island Community Plan, and the draft Water Use Development Plan that the APT Committee is currently reviewing. So I think there's two action items that we've seen so far on preserving wetlands. The proposed bill would establish a wetlands overlay district and require the Conservation Planning Committee to evaluate wetlands criteria, and the criteria is where they can take a deeper dive into the definitions and address the things like areas that are wetlands, but don't currently have water. And we've certainly seen that in Kihei and many areas that have been wetlands on and off, and have been dry at certain times. And that they would provide advice on restoring and protecting wetlands through negotiated land acquisition, eminent domain, or conservation easements. From the Administration, we invited the Mayor's Office of Climate Action, Sustainability and Resiliency, I don't think we have anybody on. Makale'a or Alex? We invited back Rowena Dagdag-Andaya, Director of Department of Public Works; Michele McLean, Director of Department of Planning; Shayne Agawa, Deputy Director of Department of Environmental Management; and Keola Whittaker, Deputy Corporation Counsel to provide comments for today and answer questions Members may have relating to the proposed legislation. So with the body's approval, I'd like to designate all of the aforementioned as resource persons pursuant to Rule 18(A) of the Rules of the Council, if there's no objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR KING: Okay, thank you. And I'm going to give an opportunity for Administration officials to comment if they would...if they can keep their comments to maybe three minutes so we can get through this. And then after that, if Members would like, I can ask to display the bill again so that we can do a line by line review. But I also want to remind Members that this...the resolution is to send this to the Planning Commissions, so it will come back and, you know, I can't tell you how many times OCS just impressed upon me that we can still make revisions--as long as the intent of the bill doesn't change, but we still can make revisions in Committee without sending it back out to the Planning Commissions. So I'm hoping we're not going to, you know, really worry too much about wordsmithing because we've done...we've had three meetings...we've had a meeting on this in Committee before, I've had three meetings with OCS and, you know, different configurations of the proponents of this bill, the Save the Wetlands group, and Corp. Counsel. And so I can have...and our Council Services Support, James Forrest, is also on the meeting, so he can answer any questions you may have about how we're moving forward. So at this point, does the Committee want to go ahead and look at the bill first, or do you want to hear from the Departments again? So raise your hand if you want to hear from the Departments. Okay, we have two. And raise your hand if you want to go ahead and make the motion first. Okay. I think what I'd like to do is...because we have heard from the Departments, and because the bill does address the concerns that the Department, especially Department of Public Works we went through...even though we didn't get it in writing, we did go through with our notes from the meeting with

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Rowena's concerns, and I believe Planning had the same concerns. So the revision of the bill includes those...addressing those concerns. So actually, at this point, I think the person I'd like to bring on first before we make the motion is James Forrest, if you can just address how we went through the concerns of the Departments, and then we can decide if we want to hear from the Departments. Are you here, Forrest? Okay, so if you could just give us kind of a brief overview of where we are with this bill and how . . . *(inaudible)*. . . to address the concerns.

MR. FORREST: Thank you, Chair. First, I apologize for my background, we did a goodbye message to Wendy and I think it's still there. So that's the reason why I have cowboys in my background...anyway. I am...I'm happy to, you know, report back to you guys that we did have a very collaborative effort on this bill from Corp. Counsel, from the Department, the Administrations. I feel like we have listened to the community concerns. I'm particularly, you know, happy that we've stuck with the Federal definition of wetlands. And I guess the ultimate objective of the bill is to apply that definition to all of the area of the islands, and not just areas that are adjacent to navigable waters. So to me, it's a nice clean, tight bill that is ready for, you know, review by the Planning Commission as required. And other than that, I feel like, you know, after input on trying to expand the definition, we have walked that back and stuck with the Federal definition, which to me, is the best way to go.

CHAIR KING: Okay. And then we also agree, you know, in that...in those meetings with--and both James Forrest and David Raatz were in that meeting, along with Keola--that the real issue was not so much the definition, it was the jurisdiction. It was how we applied the jurisdictional protection beyond the description that's in the Clean Water Act, because that's been kind of the biggest problem. The Clean Water Act has gone back and forth in the description of the waters of the U.S., and it changes...it changed with the previous Administration, it got very narrow; and so the current Administration, Federal Administration is trying to broaden that definition of waters of the U.S. So rather than being dependent on their description, our effort here was to expand our jurisdiction that our County has. And so...do you have any comments you want to make on this at this point, Keola? I think we've got Keola Whittaker on.

MR. WHITTAKER: Thank you, Chair, and thanks so much for getting our comments, and I think this is a really improved bill. We just have a couple of comments. One I think is really simple, and maybe could be a friendly amendment, and this is just in one of the whereas clauses on page 2. And this is...goes to exactly what you were talking about, about the jurisdiction. So it says...the second paragraph starts, "A Maui County program is necessary because the Clean Water Act." So the jurisdiction is a bit more broad than adjacent to navigable waters. And so what I think what we want to say there is "The Clean Water Act does not regulate certain isolated wetlands." And I can provide you that in writing in the chat. If we could just change that to make it a bit more accurate, that would be helpful. The Department does have a few wording changes, but I don't...I think we can work with the Planning Commissions, they're nothing major, just some suggestions on minor revisions and maybe moving things to other areas. You know, one consideration is getting rid of prohibited uses, since there are permitted uses there, just so there's no conflict or confusion. If we

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just have permitted uses, then we assume that everything else would be prohibited. And that's about it that I want to share with the Committee now. The rest of the smaller changes, we can work with you and the Planning Commissions.

CHAIR KING: Okay and then can you put those changes in chat so we can . . .*(inaudible)*. . .

MR. WHITTAKER: Yes, will do.

CHAIR KING: Okay, that would be excellent. Thank you so much for the input. And so at this point, you know, I think we were kind of 50-50 on if we wanted to hear from the Departments, but I think I'll just ask if any of the Departments want to make any comments at this point before we go into the motion to...oh, and there popped up Michele Mclean. Okay. You want to go ahead, and we'll give you a few minutes to voice your comments.

MS. MCLEAN: Chair, we did send additional comments. That letter was only sent to the Committee this morning, so I apologize for the late transmittal. This bill is not ready to go to the Planning Commissions. Leaving things for the Planning Commissions to sort out is not fair for them, it's not fair for us. We made a number of suggestions in our prior comments that have not been incorporated or addressed. We made a lot of those same comments again in the letter that we sent this morning. Overall, it's a very important bill, a very important idea, and we make some suggestions on how it might better accomplish its stated goal. The biggest deficiency that we see is that it talks about the Council having the authority to establish these overlay districts, but gives no criteria or process as to how that happens. And that's not something the Planning Commission should have to sort out, that's not something the Council should add after the Planning Commissions have reviewed it. So we think that that's something that needs to be fleshed out more. I agree with Deputy Corporation Counsel, we made the same comment about having permitted uses and prohibited uses, that raises the question what happens to any use that's not listed in either, it leaves those uses in limbo. So anyway, it's...you know, our letter is four pages long so there's a lot of...lot of information in there. We have a relatively new hire who is very experienced with wetlands protection and regulation; actually, the comment letter she drafted was 14 pages long, so we spared you all of that information, but we would be more than happy to work with you, Chair, and your Staff, and OCS on seeing if we can address all of these issues in a bill that at a future meeting would probably be ready to go to Commissions, but we don't think it's ready yet.

CHAIR KING: Okay. Thank you for your comments. You know, we certainly did get comments from the...your Deputy Director, which we did address in this revision, along with the comments from Department of Public Works, so I'm not sure why I got the four-page letter this morning. But, you know, as you heard from Corp. Counsel and our OCS counsel, we believe this bill is ready to go, so we just can just agree to disagree. But any questions of the Planning Department first? Chair Lee.

COUNCILMEMBER LEE: Michele, besides the four pages...I guess you just gave us a couple of the major points about the...what's permitted, what's prohibited, and how...and then the process for the overlay. What else...what other concerns did you have?

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CHAIR KING: Are you still there?

MS. MCLEAN: Yeah, the...there's language in the bill...well, first of all...and we've been working with Councilmember Sinenci's office on a cultural overlay bill, and had a similar discussion about overlays are not zoning, and the overlay process might not be appropriate in the Zoning Code. Regardless of where they are put though, the processes that the bill calls for to be affected by a wetlands overlay, changes should be made to those chapters of the County Code to ensure that when we process the change in zoning, a district boundary amendment, et cetera, and grading permits and subdivisions, that those restrictions are placed in those procedural chapters. Because if you have it in one chapter in Title 19, but not the chapter that relates to that process, it could get overlooked. So that's an important change that should be added. When it comes to mapping wetlands, there is no criteria for that, or for resources to consider when creating those maps. Instead, we suggest that that section could encourage coordination with different partners, such as the Fish and Wildlife Service, and also tap into the existing mapping resources that are available. And so we don't want to be in a situation, for example, where the Department maps something that then conflicts with another entity's map. So we can foresee a property owner saying well, wait, you're saying this is the map of the wetlands, but Fish and Wildlife Service has this map of the wetlands, so which one prevails. We want to be certain that all of those resources are pooled together. There are a couple of sections that refer to a Director making a contrary decision, but it's not clear what action the Council would take if that occurs. So that's a quick summary of some of the points in our letter. And many of these points were in a...in prior testimony that was submitted. The Deputy Director might not have brought those up in the meeting itself, but they were submitted to the Committee.

COUNCILMEMBER LEE: Thank you. Thank you, Chair.

CHAIR KING: Thank you. And I think Forrest...James Forrest wanted to respond to that. And, you know, just to respond to the idea of which map would prevail, the reason why we're doing this bill is because we need a County map that's going to prevail over what Fish and Wildlife...we had a huge argument about that one lot in Kihei a couple of years ago, about whether that was a wetland or not. Well, we didn't have a County...we didn't have a County Code Ordinance on, you know, that would show that was a wetland, so the fact that Army Corps of Engineers had a letter sent...that described one of the conditions of that sale...of that proposal was to maintain the wetlands. and Planning Department was telling us that's not a wetlands. So part of this bill is to establish that Maui County's mapping of the wetlands, which would prevail over the other...you know, over Fish and Wildlife or Corps of Engineers, and that was legally upheld by our legal team. So if you want to...I'll just ask James Forrest if he wants to speak to that or any of the comments that were made by Planning.

MR. FORREST: Thank you, Chair. I didn't really want to address individual comments. We did review those prior, and do not, you know, find merit in them. We worked with Corp. Counsel, we presented this bill, and I guess we can stand behind our position

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that it is ready to go to Planning Commission. I guess that's all I would have to say at this moment. I don't want to get into the weeds about the particulars that were brought up in a...this morning, unless someone has a particular question.

CHAIR KING: Any questions for Mr. Forrest? Okay...oh, Member Sugimura.

COUNCILMEMBER SUGIMURA: I kind of want you to get into the weeds. I think it's important. I've learned over...you know, I don't have as many years as some of the other Members on this Committee, but I have learned through time that if a Department, you know, is telling us something, I value what they say. And the weeds, I think what you're describing is going to be critical because what we're trying to do is send this to the Planning Commission. And if the Director is saying it's not ready, I don't want to do that, and then we end up with a problem. I think what Kelly King is trying to do is important because I remember that site visit and, you know, that interaction that she's talking about in Kihei. I think that Federal jurisdiction always prevails over ours, but I could be wrong. I mean, if we establish this map and we're going just say that we are the authority, then we better be damn sure that we're correct. So I don't know, I kind of want to go into the weeds, Mr. Forrest, if you could go through this...her letter...the Planning Department's letter and tell us why, yes, no or...you know, or if you need to take a break to look at this letter, I'm looking at it now. Maybe you saw it, you know, before this moment, but I kind of would like to...

CHAIR KING: You have a particular...do you have a particular question?

COUNCILMEMBER SUGIMURA: I just wanted to go through this letter...I mean, I'm kind of concerned that, you know, he's saying that it's not important, and I want to know why it's not important. And if it's not going to be something that's going to be of importance when this goes to the Planning Department, okay...I mean, Planning Commission, okay; but I'm hearing what the Department is saying, and yet our legal is saying that it doesn't matter. If you want me to ask Corp. Counsel, I can ask Corp. Counsel the same question if...

CHAIR KING: Yeah, we just heard from Corp. Counsel. You heard their comments, that they only had two, you know, minor changes.

COUNCILMEMBER SUGIMURA: Did they say...Keola Whittaker, did you see this letter from Planning?

CHAIR KING: You know what, let's...let me run the meeting, Member Sugimura, let's let Mr. Forrest answer your question first. And if you don't have a specific question, then I'm just going to let him answer broadly, if you don't have a specific.

COUNCILMEMBER SUGIMURA: Okay, we can go through the whole letter. Thank you.

CHAIR KING: No, I don't want to go through the whole letter line by line, but I...you know.

MR. FORREST: Thank you, Chair. Again, yes, we did get this letter this morning...I actually got it maybe an hour ago. Some of the concerns in the letter would need to be

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analyzed, but they are familiar as they have been raised. And again, Corp. Counsel and OCS attorneys, we've met together, we've worked together, and we produced a bill that we feel is ready to go to the Planning Commission. Also, just to tell you a little bit about the standard of review from the Planning Commission, you know, the process does allow the Planning Commission to suggest changes, and the Council to make changes. Some of the changes that were discussed by the Department could be made if you see, you know, that they are fit after it goes to the Planning Commission, that's part of the process. I think the legal standard is from the *Carlsmith* case. I think you guys are familiar with the term like if something fundamentally changes the bill, then it might need to go back. Those are all concerns that will be had...I can't speculate on what changes would be made, but if they would be made, they would put under that review. I'm just stating what I stated before, and what Corp. Counsel has also stated, that we worked on this bill...we wouldn't present a bill that wasn't ready to go to the Planning Commission in our opinion, and that's our opinion, and it hasn't changed. And I'm not saying that it's not important at all, I'm just saying that we did analyze them, and we are confident that the bill is ready to go to Planning. And that's part of the process of sending something to a Planning Commission.

COUNCILMEMBER SUGIMURA: Can we hear from Corp. Counsel, Chair?

CHAIR KING: Sure.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KING: We've heard from them once, but if you have another comment, Keola.

MR. WHITTAKER: Thank you, Chair. Councilmember Sugimura, I have not had an opportunity to take a close look at it. I did pull it up on Granicus and, you know, I don't like to overrule a Director on implementation, I think they're the experts on implementation, but I would like some time to kind of go through it line by line. If we received it earlier, I could have done that. You know, some of the concerns...for example, the criteria used...and I don't think the law would prevent the Planning Director from, you know, working with Federal agencies or starting with the Federal maps of wetlands, for example. So I understand the concern, and certainly some clarity could be there, but I don't think the legislation would prevent some of the actions that Planning Director would like to do.

CHAIR KING: Okay. Mr. Forrest, and then we'll go to Member Molina.

MR. FORREST: Okay. Just like my colleague and Corp. Counsel, I can address, you know, a couple of issues, you know, related to the permitted and not permitted section. That's a great example of something that could be changed later, it's not so big that it would fundamentally change the bill, that wordsmithing can be done at any time. I do disagree that an overlay district is not a zoning district. A zoning district...overlay district definitely can be a zoning district, and that's one of its purposes. It doesn't have to be, but it often is a zoning district on top of the base district. And again, I'm

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not prepared to go into the legal analysis of that, but it's widely understand [sic] in my opinion that an overlay district is, in fact, a zoning regulation.

CHAIR KING: I'm going to go next to Member Molina, questions?

COUNCILMEMBER MOLINA: Yeah. Thank you. Thank you, Madam Chair. If I could ask Mr. Forrest a quick question. In your meetings that you had with Corporation Counsel, did you include Public Works Director Dagdag-Andaya, as well as Director McLean, to I guess share their thoughts in formulating this bill? Did that occur at any time?

MR. FORREST: I think Chair King would be best to explain that. There have been several meetings. And so my recollection on who was there and who wasn't and who was representing the Administration, I'm sorry, it's...

COUNCILMEMBER MOLINA: Oh, yeah. The only reason I ask that because now that, you know, we've gotten this letter today from the Planning Director with some concerns, I think it's...maybe in hindsight, if it didn't occur, maybe in a future meeting it should, so this way we can avoid getting...you know, get at the last minute with this letter.

CHAIR KING: Yeah, Member Molina...

COUNCILMEMBER MOLINA: Because it's a game changer for me a little bit for today as far as if we want to take action and move this forward. But anyway, that's my thoughts, Madam Chair.

CHAIR KING: Okay, so let me...yeah, I can explain it to you. So we had a meeting...pretty in-depth meeting last time on this...the last time we brought the wetlands issue up, and Planning was there. Planning had submitted some concerns in writing which were similar to what the Department of Public of Works submitted verbally. And we tried to get those in writing too, but we never got them. And so we had notes from the meeting, and we addressed those concerns in going over the bill, we addressed those concerns of Department of Public Works and Planning from the input that they had given. So they've had...they've had ample time. I don't know where this letter came from that we received this morning, it's kind of last minute, but we've had a lot of time in discussing...you know, putting this on the agenda and discussing it in Committee. And that's why we didn't try to pass it out the first time, because we wanted to get that input and to be able to address it. So I feel like we did that, and there was time between the last time we put this on the agenda and today's meeting. And so it was a little disconcerting when we got the letter from Director McLean last minute this morning. But, you know, I stand behind OCS and Corp. Counsel in saying that this bill is ready to move forward, that we do have jurisdiction to do this. Because my first concern, when the public came to me and wanted a new definition of wetlands was, can we do that? And I was assured by both our legal counsel and OCS and Corp. Counsel that we could do that, but that really, what we wanted to do, what...you know, what the intent should be is to expand the jurisdiction of what we protect, because right now the jurisdiction is really...is really narrow with the Clean Water Act. So what we're trying to do is take that same definition, but we have to

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expand it island-wide to be able to address all areas of wetlands, whether they are current wetlands, or they could be wetlands again...they were once wetlands. Because as we all know, we have areas that are dried up, and we have areas...and we're not...you know, we're not trying to go after any current developments that are currently on wetland, but we're trying to just prevent and preserve what we have left, and if there's any open space that we could look at as possible acquisitions to try to increase the level of...the number of acres of wetlands that we have. So we're never going to get back the 200-plus acres, I don't think; but hopefully, we can increase the 20 acres beyond what it is now. So that's kind of a long explanation but, you know, we felt like we did address their concerns. And, you know, you can always throw in letters at the last minute to hold something up--I don't know if that was the intent, but I would like to see this go forward because I think we still...it's still going to come back to Committee, and we're probably still going to be...have to massage it. And it's really kind of an urgent thing. We're losing wetlands, you know, on a monthly basis, and there's an urgency to these two areas both in South and West Maui to do this protection. Does that answer your question? It's a long answer to your question.

COUNCILMEMBER MOLINA: Yeah, I guess. But, you know, I guess...really, the big thing for me is just to ensure that we can mitigate any potential conflicts with the Federal agencies on this. Was this bill shared with any of the Federal agencies for comments, I mean, in light of the fact that the Planning Department is concerned that there may be conflicts, I mean...

CHAIR KING: I think Mr. Whittaker would like to answer that.

COUNCILMEMBER MOLINA: Okay.

MR. WHITTAKER: Yeah. Thank you, Chair. Thank you, Member Molina. So, you know, one change that we recommended, which was put in the revised Ordinance, is changing the wording of 19.47.070, and this has to deal with the interpretation. So I think it's pretty clear there that nothing in this chapter is intended to conflict with State or Federal law on the same subject matter. And so anything that conflicts is abrogated to the extent of the conflict. And so that will help, you know, in the implementation where we wouldn't conflict with any Federal or State authorities. But wetland zoning and overlay zoning is very common among municipalities. And of course, there are regulations from the Federal and State level as well, but they all work together and in tandem and have different purposes.

CHAIR KING: Thank you, Mr. Whittaker. Mr. Forrest.

MR. FORREST: Thank you, Chair. I just wanted to point out, you know, this is an example of how we did work together with Corp. Counsel and the Departments to tighten up this bill...like that's an example of something that I didn't think was necessary to change, but we changed it to make it even easier to understand. And for you, Member Molina, like for example, I fought to get the definition back to mirror the federal definition, so to even further eliminate challenges that would be like conflicting with Federal law. So we have the same definition as Federal law. Now, the section that was just now quoted, 070, interpretation, if you read it, it makes it clear

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that we are not going to, you know, move into the Federal jurisdiction area. And I think that's the whole point of the bill, is that the Federal jurisdiction is areas adjacent to wetlands...to navigable waters, and we're expanding out of that area. So the Federal system doesn't address the areas that we are concerned with, and that's the reasons behind the bill is that it's an empty area, and they say that the State and local Governments can do this, but no one had done it yet. And so that's where we're stepping in, is expanding the territory that the definition applies to. So I hope that clears up that Federal jurisdiction issue.

CHAIR KING: Member Molina.

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

CHAIR KING: Okay. Thank you for that question. Okay, any other questions or concerns? Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, one of the things that I always like to look for when we look at bills is, is it signed by Corp. Counsel for form and legality. So I printed off the document dated September 23rd, and I don't see a signature. But I wonder if Corp. Counsel signed off on this based upon what James Forrest has said.

CHAIR KING: Yeah, I think...well, you can go ahead and tell them, Keola...the . . .*(inaudible)*. . .

MR. WHITTAKER: Thank you for that question, Member Sugimura. We have not had an opportunity to go through this line by line. This is a significantly revised bill from what was proposed to the Committee before, and we would have some recommended changes before we sign it. I understand that the intent was to send it to the Planning Commissions, you know, and we can work on those changes, because our changes are going to take a couple weeks. And, you know, we can work with the Committee if it's a deferral, or the Planning Commissions to go over their changes. But we, you know, just generally believe that the County does have the power to pass something like this, so our changes are just getting it in the right place within the Code.

CHAIR KING: So the other thing...and maybe Mr. Forrest can speak to this, is that we...because Corp. Counsel has asked us to not seek a RLS within a certain time frame of a Committee meeting...you know, we could have sent it to Corp. Counsel, but we were actually asked to not send it out because of the timing of it. So do you want to speak to that, Mr. Forrest? That was a decision that was made by David Raatz, to not send it for the signature.

MR. FORREST: Thank you, Chair. Yeah, I think you expressed that correctly. However, I think the real point is, as far as what Corp. Counsel and I stated at the beginning of the meeting, is that any of the changes can be made after it goes to Planning Commission, and the Planning Commission will be open to receiving documents or comments from the Departments. That's what the process is for. And so again, like we stated in the beginning, Corp. Counsel and OCS attorneys feel that this is a

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proper method, it's up to you guys if you would like to do it or not. But you have asked us for our opinion, and we gave it to you.

CHAIR KING: Okay. Any other questions? If not...okay, any other Departments have any pressing comments?

MS. DAGDAG-ANDAYA: Hi, Chair.

CHAIR KING: Hi, Director Dagdag-Andaya.

MS. DAGDAG-ANDAYA: Yes. Thank you for the opportunity to participate in today's meeting. I did have a couple of comments relating to the verbal comments that we provided at the last Committee meeting regarding this matter. I did state in the last meeting...or had suggested maybe revisiting Section 19.47.050 relating to prohibited uses, and considering perhaps rewriting this section to identify actions that are allowed as opposed to what the prohibited uses would be. I think for the Department, what our concern...not I think, but I know one of the concerns of our Department was regarding maintenance activities on infrastructure located on existing wetlands. I know during the discussion at the last meeting that this section of the bill only applied to the placement of new structures, but I guess in our interpretation of the bill, it's really not made clear that existing infrastructure, any repairs or maintenance activities would be...would be affected. So what we would suggest is perhaps some language that would either exempt any maintenance activities, or maybe rewriting the section...thinking about rewriting this section to instead identify actions that are allowed in wetland areas. The other comment that we had was relating to Section 19.47.060 relating to mapping. And at the last Committee meeting regarding this matter, the Department did suggest further...explaining further on how the map would be administered, where the maps would be filed, how the maps would be adopted, what the amendment process would look like, and perhaps including some language in there about what verification process is used to validate the location of the wetland. I think having those items in the language might be helpful. I do understand, you know, during this discussion there's some question as whether or not to have this item in the zoning ordinance as opposed to Chapter 20, so I don't have any suggestions about that. I think I would agree that maybe further discussion and research into the matter would be appropriate. Perhaps even looking at other model ordinances from other counties with jurisdictions throughout the U.S. that relate to wetland restoration or protection would be helpful as well. Other than that, the Department does not have any other comments, but do reserve the opportunity to further comment, whether it be during the Planning Commission or any subsequent meetings that this Committee has on the matter.

CHAIR KING: Okay. Yeah, we tried multiple times to contact you to get you to put your earlier concerns in writing, and we were not successful in getting those.

MS. DAGDAG-ANDAYA: Sure, yeah.

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CHAIR KING: So, you know, we did address that, you know, from the notes we took from your verbal concerns, they are addressed in the bill, and I think that issue you have with permitted versus prohibited was one of the issues that Keola Whittaker just addressed in his suggested language. So, you know, I feel like we did address your concerns, Rowena, from the last time and, you know, just putting in there that we...that we...there's a difference between the definition and criteria, and that we would...the bill has the...put the responsibility for creating that criteria in the Conservation Planning Committee, because they're going to be doing the greenprint, which probably has all those same issues that you just asked about, you know, as far as the jurisdiction of it, and who's going to apply it and...you know, we didn't only put that into the bill to create that Committee, we didn't have those details worked out either, but we expect that the Committee would work them out.

MS. DAGDAG-ANDAYA: Yes, I do see that there were some changes made, but the ones that I had mentioned earlier, I...yeah, I didn't see any changes. But again, I think we...you know, we would like to further, you know, as more discussion happens, especially if this matter goes to Planning Commission, I would assume that there would be additional comments coming from there that would trigger perhaps some additions or revisions to the Ordinance. So...

CHAIR KING: Right. And it'll come back to Committee.

MS. DAGDAG-ANDAYA: It'll continue so...

CHAIR KING: Then it'll go straight on to Corp. Counsel. Chair Lee, you have a comment or question?

COUNCILMEMBER LEE: Yeah, I have a comment. I'm feeling a little reluctant about passing out the bill today, but I think this is an important bill. And I guess maybe one possible compromise would be that the bill would not take effect until Administrative Rules are promulgated. And the reason for that is that's where all the implementation steps are housed, is in the rules. So that could be worked out, I can see, at a later time.

CHAIR KING: Yeah. So...and those are the kinds of things too that would be easy to add, I think. I think Mr. Forrest has a comment.

MR. FORREST: Thank you, Chair. I appreciate that comment from Chair Lee. I think that's...you know, if you compare this to maybe the Affordable Housing Bill that we worked on, where the Department wanted less detail in the bill...we're open to finding the happy medium, and I think your solution of making it effective upon the adoption of rules is a good one. And in a similar tone to the Affordable Housing Bill, that would also be subject to the final approval of the Council.

CHAIR KING: Okay. So we...you know, I would like to go ahead and make a motion and then, you know, put the amendments suggested by Corp. Counsel and the amendments suggested by Chair Lee into it if the body is ready...oh, do you have a question or comment, Member Paltin?

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COUNCILMEMBER PALTIN: Yeah, I just had a question, I guess maybe for Corp. Counsel. If this bill was housed in Title 20 as opposed to Title 19, would it still need to go before the Planning Commission?

MR. WHITTAKER: Thank you for that question, Member Paltin. I think there are amendments that need to be made to...for this bill to be effective. And I agree that overlay zoning properly belongs in Title 19, so it would have to go to the Planning...
(audio interference)

CHAIR KING: You're breaking up, Keola. I think we missed a couple of...

MR. WHITTAKER: I'm sorry. In our view, it would have to go to the Planning Commissions because the proper changes that would need to be made to make the overlay district are in Title 19. So I don't think all of the changes can be made in Title 20, if that makes sense. So we would want it to go to the Planning Commissions.

COUNCILMEMBER PALTIN: So as it goes to the Planning Commissions, it would be possible for the Directors to continue to work on it...like this letter that we got just today, they would have the time to incorporate those things at the Planning Commission because it was discussed in Committee today?

MR. WHITTAKER: The Director could certainly make those recommendations to the Planning Commissions, and that could be part of the changes that the Commissions recommend or not. But if there are substantive changes that need to be made after you receive the Ordinance back from the Planning Commissions, you know, our warning is always that it may have to go back again to the Planning Commissions so that it doesn't get overturned in court for that reason.

COUNCILMEMBER PALTIN: And even Director Dagdag-Andaya can work with the Planning Commission as well.

MR. WHITTAKER: Absolutely. She can submit comments to the Planning Commissions, and they can take those comments.

COUNCILMEMBER PALTIN: And because of this letter and the discussion that we had in this Committee, it's all open to them at the Planning Commission, everything we discussed.

MR. WHITTAKER: Right.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR KING: Okay. Thank you for that question, Member Paltin. So I'm going to...if there is no other question...are there any other questions or comments? If not, I'd like to move forward with recommendations. Let me pull up my...so Members, at this point I will entertain...the Chair will entertain a motion to recommend adoption of the proposed resolution entitled, "REFERRING TO THE PLANNING COMMISSIONS A

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PROPOSED BILL RELATING TO WETLANDS RESTORATION AND PROTECTION,” allowing Staff to make any nonsubstantive revisions.

VICE-CHAIR SINENCI: So moved.

COUNCILMEMBER LEE: Second.

CHAIR KING: Moved by Member Sinenci, seconded by Member Lee. And do we want...does somebody want to propose the amendments, to make the recommendation? So I would also entertain a motion to...per Corp. Counsel, to recommend changing the second main paragraph on page 2 to “A Maui County program is necessary because the Clean Water Act does not regulate certain isolated wetlands.”

COUNCILMEMBER JOHNSON: So moved.

VICE-CHAIR SINENCI: Second.

CHAIR KING: Okay. Thank you. Moved by Member Johnson, seconded by Member Sinenci. So the prohibited...the language for the prohibited versus permitted...there’s a message from Keola in the chat that they would...they need more time for that, so they’re going to move forward with that at Planning Commission. Members, so let’s vote on this addition first. So all those in favor of the amendment, raise your hand and say “aye.”

VICE-CHAIR SINENCI: Aye.

COUNCILMEMBER JOHNSON: Aye.

COUNCILMEMBER LEE: Aye.

COUNCILMEMBER MOLINA: Aye.

COUNCILMEMBER PALTIN: Aye.

CHAIR KING: Okay, one, two, three, four, five, six “ayes.” All those opposed to the amendment?

COUNCILMEMBER SUGIMURA: No.

CHAIR KING: One opposed, Member Sugimura.

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VOTE: AYES: Chair King, Vice-Chair Sinenci, Councilmembers Johnson, Lee, Molina, and Paltin.

NOES: Councilmember Sugimura.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR KING: And do we want to put your amendment in now, Chair Lee?

COUNCILMEMBER LEE: Oh, to change the...oh, to make the effective date of the bill on the adoption of the Administrative Rules.

CHAIR KING: Okay. Second?

COUNCILMEMBER JOHNSON: Second.

CHAIR KING: Okay, motion made by Chair Lee, seconded by Member Johnson. All those in favor of the motion say "aye."

VICE-CHAIR SINENCI: Aye.

COUNCILMEMBER JOHNSON: Aye.

COUNCILMEMBER LEE: Aye.

COUNCILMEMBER MOLINA: Aye.

COUNCILMEMBER PALTIN: Aye.

CHAIR KING: Okay, six "ayes." All those opposed?

COUNCILMEMBER SUGIMURA: No.

CHAIR KING: One Member opposed, Member Sugimura.

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**VOTE: AYES: Chair King, Vice-Chair Sinenci, Councilmembers
 Johnson, Lee, Molina, and Paltin.**

NOES: Councilmember Sugimura.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR KING: Okay, any other amendments or discussion? If not, we'll go to the main motion as amended. All those in favor of the main motion as amended, raise your hand and say "aye."

VICE-CHAIR SINENCI: Aye.

COUNCILMEMBER JOHNSON: Aye.

COUNCILMEMBER LEE: Aye.

COUNCILMEMBER MOLINA: Aye.

COUNCILMEMBER PALTIN: Aye.

CHAIR KING: Okay, we have six "ayes", all those opposed say "no."

COUNCILMEMBER SUGIMURA: No.

CHAIR KING: One opposed, Member Sugimura. The measure passes six "ayes" and one "no."

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VOTE: AYES: Chair King, Vice-Chair Sinenci, Councilmembers Johnson, Lee, Molina, and Paltin.

NOES: Councilmember Sugimura.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: Recommending ADOPTION of revised resolution.

CHAIR KING: Okay. Thank you, Members, we can move this on to the Planning Commission. All right. We have come to the end of our agenda, and I will...I don't think I need to defer it because it's a resolution. So there's nothing else on our agenda, Staff?

MS. SIEGEL: Chair, you would defer the matter to keep it open.

CHAIR KING: Okay. So we'll go ahead and defer the matter because it's going to be coming back from the Planning Commission, so it will stay in Committee. So if there are no objections, we'll defer the item.

COUNCILMEMBERS VOICED NO OBJECTIONS

ACTION: DEFER.

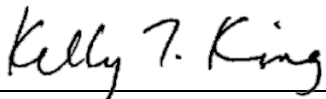
CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES
Council of the County of Maui

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CHAIR KING: So ordered. All right, Members. That's all for today, and we're at 12:01. Good work. Congratulations to us. Thank you so much and the Climate Action, Resilience, and Environment Committee is now adjourned. . . .*(gavel)*. . .

ADJOURN: 12:01 p.m.

APPROVED:



KELLY TAKAYA KING, Chair
Climate Action, Resilience,
Environment Committee

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Transcribed by: Susan Leong &
Terianne Arreola

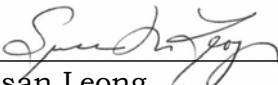
CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES
Council of the County of Maui

September 29, 2021

CERTIFICATIONS

I, Susan Leong, hereby certify that pages 1 through 21 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 4th day of November 2021, in Wailuku, Hawai'i



Susan Leong

I, Terianne Arreola, hereby certify that pages 21 through 58 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 4th day of November 2021, in Wailuku, Hawai'i



Terianne Arreola