

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE

Council of the County of Maui

MINUTES

September 14, 2022

Online Only via BlueJeans

CONVENE: 9:00 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Kelly Takaya King, Chair
Councilmember Shane M. Sinenci, Vice-Chair (out 11:15 a.m.)
Councilmember Gabe Johnson
Councilmember Alice L. Lee
Councilmember Michael J. Molina
Councilmember Yuki Lei K. Sugimura

EXCUSED: VOTING MEMBERS:

Councilmember Tamara Paltin

STAFF:

Lesley Milner, Legislative Analyst
Wilton Leauanae, Legislative Analyst
Jerry Parades, Legislative Analyst
Shelly Espeleta, Supervising Legislative Analyst
James Forrest, Legislative Attorney
David Raatz, Deputy Director
Jocelyn Moniz, Committee Secretary
Clarita Balala, Committee Secretary
Lenora Dinneen, Council Services Assistant Clerk
Jean Pokipala, Council Services Assistant Clerk

Mavis Oliveira-Medeiros, Council Aide, East Maui District Office.
Denise Fernandez, Council Aide, Lānaʻi District Office
Zhantell Lindo, Council Aide, Molokaʻi District Office
Jade Rojas-Letisi, Council Aide, Makawao-Haʻikū-Pāʻia District Office
Daniel Kanahele, Council Aide, South Maui District Office

Axel Beers, Executive Assistant to Councilmember King
Ellen McKinley, Executive Assistant to Councilmember King
Dawn Lono, Executive Assistant to Councilmember Sinenci
Kate Griffiths, Executive Assistant to Councilmember Johnson
Laura McDowell, Executive Assistant to Councilmember Paltin

ADMIN.:

Keola Whittaker, Deputy Corporation Counsel, Department of the
Corporation Counsel
Jordan Molina, Director, Department of Public Works

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

OTHERS: Genesis Young, M.D.
Ryan Grether
David Dorn
Mike Moran
Bridget Mowat
Mike Reyes
Robin Knox
Albert Perez
Junya Nakoa
Lance De Silva
Zhantell Lindo
Lynn Britton, Past President, Ma‘alaea Village Association
Lucienne de Naie, Chair, Sierra Club Maui
Rob Weltman, Founder, Maui Nui EV Association
Darla Ellingson
Austin Van Heusen
David Sellers, AIA, Principal Architect of Hawaii Off Grid
Stamati “Mati” Stamatiou, Energy Efficiency Specialist, EnergyLogic
Additional attendees (3)

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

CHAIR KING: . . .(gavel). . . .(inaudible). . . Committee, it is 9:00, so we will convene. Just as a brief reminder, please silence all cell phones, and everybody mute your sound and your video if you're not one of the Councilmembers at this time. And we're live on *Akakū*. Okay. So, I'll go ahead and read the Sunshine Law mandate. A board holding a remote meeting pursuant to this section shall not be required to allow members of the public to join board members in person at nonpublic locations where board members are physically present, or to identify those 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 nonpublic location with the member. In accordance with the Sunshine Law, if you are at a nonpublic workspace, when your name is called, please identify by name who is present with you in your room, vehicle, or workspace. Minors do not need to be identified. So, Members, you also really don't have to identify where you're at, you just have to identify if there's somebody there with you, which is a change in the...in the Sunshine Law. All right. Please see the last page of the agenda for information on meeting connectivity for those who would like to join. All right. Members, we'll go ahead and get started. I'm Kelly Takaya King, I'm your Chair of the Climate Action, Resilience, and Environment Committee. And today we have with us our Vice-Chair Shane Sinenci.

VICE-CHAIR SINENCI: Aloha and bunā ziua, Chair. We're here at Hāna Cultural Center with my District Staff members Mavis Medeiros and Dawn Lono. And currently there are no testifiers here. Aloha.

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

CHAIR KING: Okay. Mahalo and bunā ziua. I'm going...I'm going to wrap my head...ziua. It's bunā ziua, and aloha kakahiaka. And we'll go to Chair Lee next, and then you can actually give us the correct pronunciation.

COUNCILMEMBER LEE: Yeah, good morning, Chair. Yes, from Moldova, which you all know is right next to Ukraine in Europe. And the morning greeting...well, the day greeting is bunā ziua. Bunā ziua. I am here alone in my workspace, looking forward to your meeting. Thank you.

CHAIR KING: All right. Thank you so much. All right. Next we'll go to Councilmember Gabe Johnson. Bunā ziua, and aloha kakahiaka.

COUNCILMEMBER JOHNSON: Bunā ziua. Can you hear me?

CHAIR KING: Yes, we can hear you now.

COUNCILMEMBER JOHNSON: Okay. I had some struggles with my mike. So bunā ziua to you, Chair, Councilmembers, Committee members. I am in the...on the Eighth Floor in my office with my Staff Kate Griffiths, and I'm ready to work. There's no testifiers at the Lānaʻi District Office. Mahalo, Chair.

CHAIR KING: Okay. Mahalo. And there are no testifiers at the South Maui District Office either, just so folks will know. I have no one in my workspace with me at this time. And next we'll go to Councilmember Mike Molina, who looks like he's in his District Office. Bunā ziua.

COUNCILMEMBER MOLINA: Bunā ziua, Madam Chair. You got that right. I'm beaming out here at Heritage Hall at the District Office in Pāʻia. And blessings and good morning to everybody joining us for your wonderful, exciting CARE meeting you have this morning. And so far, we have no testifiers to report at the District Office, and I'm accompanied by District Office Specialist Jade Rojas-Letisi. Mahalo, Madam Chair.

CHAIR KING: Mahalo, Member Molina. Next we'll go to Councilmember Yuki Lei Sugimura. Bunā ziua and aloha kakahiaka.

COUNCILMEMBER SUGIMURA: Bunā ziua and good morning, everybody. I am actually in jacaranda country up in Kula, and looking forward to this meeting. Thank you.

CHAIR KING: Thank you for being here. You're not at the Planning Conference then? Oh, okay.

COUNCILMEMBER SUGIMURA: I am actually at my home. Thank you.

CHAIR KING: Oh, okay. Thank you for being with us. Member Tamara Paltin is excused, and we have no Non-Voting Committee Members. Today we have with us...from the Administration invited were Jordan Molina, Director of Public Works; and Keola Whittaker, Deputy Corporation Counsel. Our outside resources today are Lynn Britton,

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

immediate Past President, Ma‘alaia Village Association for CARE-97; Lucienne de Naie, Chair, Sierra Club Maui, CARE-97; and then for CARE-67, we have David Sellers, AIA, Principal Architect of Hawai‘i Off Grid; Stamati Stamatiou, Energy Efficiency Specialist, EnergyLogic, and he's here for CARE-67 too. Mati, you'll have to correct me when we get to you, give me your correct pronunciation of your last name. We have Rob Weltman, Founder of Maui Nui EV Association for CARE-67; Howard Wiig, Energy Codes and Standards Manager, Hawai‘i State Energy Office, also for CARE-67. And with our Committee...our Committee Staff...our excellent Committee Staff...I really just want to give them a hand again for all their excellent work over the past month with the very focused issues. We have Lesley Milner, Legislative Analyst; Wilton Leauanae, Legislative Analyst; Jocelyn Moniz, Committee Secretary; James Forrest, our Legislative Attorney; and Lei Dinneen, Council Services Assistant Clerk. So thank you, everybody, for being with us, and for your very hard and diligent work. Members, we have two items on today's agenda, and I'm hoping that we'll not take all the time today, and that we can get through these items. CARE-97, the...Resolution 22-206, Authorizing Proceedings in Eminent Domain for the Acquisition of Ma‘alaia Mauka/Pohakea Watershed; and CARE-67, Hawai‘i State Energy Conservation Code. And just to let you know, folks, we're going to try to get through CARE-97 first, and then CARE-67 will be the beginning of looking at the IECC, the International Energy Conservation Code, and we'll have some presentations. And then we're hoping to actually do...bring a bill in the next CARE Committee meeting so that we can approve changes to it before it automatically becomes law as the State version. So, I'm expecting that to take two Committee meetings. So, we'll get...today will be just a start on that. And at this point, I'd like to begin with public testimony. Oral testimony via phone or video conference will be accepted. Let's see. Let me check in and see if we have any public testimony, just so I can...do we have testifiers, Wilton?

MR. LEAUANAE: Yes, Chair.

CHAIR KING: Yeah, okay. All right. In accordance with the newly revised Sunshine Law, testimony can occur at the beginning of the meeting, but cannot be limited to the start of the meeting. The Chair will receive oral testimony for agenda items at the beginning of the meeting, and as the item is called up on the agenda. When testifiers sign up to testify, they must let Staff know whether they wish to testify at the beginning of the meeting or before an agenda item, otherwise, we will assume the testifier will testify at the beginning of the meeting. Testifiers wanting to provide video testimony should have joined the online meeting via the BlueJeans...or called in to the...for audio testimony by dialing the phone number, both on today's agenda. Written testimony is highly encouraged, and instructions on how to submit testimony can also be found at mauicounty.us/testify. All right. Moving on to oral testimony. Oral testimony is limited to three minutes per item. If you are still testifying beyond that time, I will ask you to kindly complete your testimony. When testifying, please state your name. If you're testifying in behalf of an organization or are a paid lobbyist, please inform the Committee. Please be mindful of the use of chat 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 can

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

continue to view the remainder of the meeting from the call, which is also available to view on *Akakū* Channel 53, mauicounty.us...on Facebook Live via the Maui County Council page, or in the Council Chambers. Participants who wish to view the meeting only without providing testimony should please let us know in the chat at this time so that we won't call you up on the list of testifiers. And I'd like to remind Committee Members, Administration, and the public, please be patient if we run into any technological issues. Members, without further...if there's no objections, we'll proceed with oral testimony. And we'll ask...I think Mr. Leauanae is monitoring, and will call up the first testifier.

. . .(BEGIN PUBLIC TESTIMONY). . .

MR. LEAUANAE: First testifier is Genesis Young, followed by Joshua Dean.

MR. YOUNG: Good morning. Can you hear me?

CHAIR KING: We can hear you and we can see you.

MR. YOUNG: Great. Thank you. So I just wanted to briefly testify on...as a private citizen on CARE-97, Eminent Domain, as I believe this is really important that we go ahead and use eminent domain to acquire that parcel of land, as it protects the Ma'alaea Harbor, and will also improve the tourist experience of that area. So, it helps that industry, and it helps the businesses there, so it's not a good place to develop, you know, and really, really needs to be protected. And my understanding is pretty much everything has already been done to try to not use eminent domain, but I think if there was ever a time to use it, it's now with this particular parcel. Let's get this parcel. It's still fair, a fair process. People think it's not fair to use eminent domain, but they still have to go with market value, so no one's really losing. The County tried to do this without that, and was kind of...didn't work in some ways in which I don't think was really fair, but that's just my opinion. Anyway, so I think that I want to strongly support this, and really want to see this as a win-win for everyone. I think this is a win for the industry, for development, and for the County, and the residents and quality of life. We really need to put quality of life at the top, which protects everybody, really...everybody. So, I think it's a win-win, and so I'd encourage you to do that, and thank you for bringing this forward. Then as for CARE-67, our Committee from the CAC will be...will be presenting that later, so I'll leave it at that. Thank you.

CHAIR KING: Okay. Mahalo. All right. Members, any questions? And if there are questions, I'm going to ask Members to keep their questions to one minute because we have a pretty good list of testifiers today. So, thank you so much, Mr. Young, for...Dr. Young, for being here, and we'll see you a little bit later. Okay. Next testifier.

MR. LEAUANAE: Next testifier is Joshua Dean, followed by Ryan Grether.

CHAIR KING: Mr. Dean. Joshua Dean? I can...he's on the call. Okay. Maybe...if you would like to testify, please unmute your video and microphone now. Otherwise, we'll assume that you didn't want to testify, and we'll take you off the testifier list. Okay. Going once,

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

September 14, 2022

going twice. All right. We'll move on to our next testifier.

MR. LEAUANAE: Next testifier is Ryan Grether, followed by David Dorn.

CHAIR KING: Mr. Grether.

MR. GREETHER: Yeah, good morning.

CHAIR KING: Good morning.

MR. GREETHER: Good morning, honorable Councilmembers. Thank you for the opportunity to speak. My name is Ryan Grether. I'm one of the owners of West Maui Construction, and one of the owners of this Ma'alaea property that Resolution 22-206 is trying to seize. I think this resolution is without merit, and it won't succeed, and I think it's little more than a careless attempt to trample upon private property rights. I'm a builder. I should be building homes. That's how my time should be spent. I'm here instead dealing with politics. This is not my realm, but I think this is so egregious that I have to speak up. And what this resolution...what you're voting on, is less about protecting the environment, and it's more about being petty and vindictive and squandering public funds instead of working together with members of the community and trying to solve the affordable housing crisis. That's my main focus, is housing. So, let's take a look at the...some of the justifications offered within the resolution. First off, there's a claim that our property is one and the same as the Pohakea watershed. That's not true. The Pohakea watershed area is 5,268 acres. Our property's only 257. That's 5 percent of the total Pohakea watershed. So, to use that justification for seizing this small parcel of land is a little bit ridiculous. If protecting that watershed, and preserving it, and building nothing there is the priority, why not use eminent domain to seize all 87 parcels within the region? It makes no sense. So, another justification is that there's four major streams running through the property. Ma'alaea's dry. This is pretty ridiculous. There are two ephemeral streams that transit the property. It's a hydrologic classification, intermittent rivers and ephemeral streams. So, to bring this up and say, major streams flow through the property is fairly dishonest without also mentioning that they're mostly dry, and they only flow brief...in brief times of the year. So, another issue that I find really important is the County has not encumbered funds for engineering consultants or contractors in order to build any kind of improvements. The resolution claims that there's a desire for public parks, for drainage structures to mitigate silt runoff into the ocean. And those are great things, but there's no funding. So, to seize the land without being prepared to make improvements is pretty irresponsible, in my opinion. So this morning . . . *(timer sounds)* . . . when I addressed you, I addressed you folks as honorable, and I really like that term because many of you are honorable.

CHAIR KING: Please conclude. Your three minutes is up.

MR. GREETHER: Okay. So, I'll skip down to the end that the best way, if you want to mitigate stormwater concerns, is to develop the property. We can build homes. We can build structures to capture runoff within the property, and you don't have to do anything. We'll do it for you. And we could also build homes for working people. And I ask you

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

to reach out to those working people and get their opinions. Not just guys like me who have time to testify today, but the people hustling and working two jobs to make ends meet. Ask them what they want to do with the property, and I urge you to take their input into consideration. Thank you.

CHAIR KING: Okay. We have one question for you, so we'll start the time for a minute for our Committee Vice-Chair Shane Sinenci.

VICE-CHAIR SINENCI: Thank you, Chair. And mahalo, Mr. Grether, for your testimony this morning. Just clarifying. You mentioned you're the owner of the property?

MR. GREETHER: I'm one of the owners, yes.

VICE-CHAIR SINENCI: Oh, and you've been the owner for how long now?

MR. GREETHER: A few months.

VICE-CHAIR SINENCI: Right. So, you were aware that the County was trying to acquire this parcel prior to you trying to acquire it?

MR. GREETHER: Yes, I'm aware that the County has been using every trick in the book to block the Spencer family from building affordable homes.

VICE-CHAIR SINENCI: Well, there was a agreement with them, but you...so...but you were aware prior to you acquiring it that the County was acquiring it, yes?

MR. GREETHER: I was not aware that the County was acquiring it. I am aware that the County had an intention.

VICE-CHAIR SINENCI: Okay. All right.

MR. GREETHER: And I sent you an email with written testimony, and it clarified all of those items. . . .*(timer sounds)*. . .

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

CHAIR KING: Thank you, Committee Vice-Chair. Okay. Seeing no other questions.

MR. GREETHER: Okay.

CHAIR KING: We'll go on to our next testifier. Thank you for your testimony, Mr. Grether.

MR. GREETHER: Thank you for your time.

MR. LEAUANAE: Thank you, Chair. Next testifier is David Dorn, followed by Bridget Mowat.

MR. DORN: Hi, Committee Members. My name is David Dorn, and I have testified before

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

about the importance of acquiring and protecting these watershed lands. I'm speaking on behalf of Sierra Club Maui and South Maui Save the Wetlands Hui. I'm not a lobbyist. I support this measure, Reso 22-206, because we need to save the watershed. I totally disagree with the last testifier. He's a builder, and he wants to build, but these particular lands in question are a part of a much larger watershed. As he mentioned, there are over 5,288 acres of vital watershed lands directly above this property, and there are critical habitats and environments directly below this property. This property is a conduit and connection from the upper part of the watershed to the lower part, and its importance should not be underestimated. I have heard recently from potentially influential people who said that the County dropped the ball when it came to trying to buy this property. Some people will try and tell you that Peter Martin legally bought this property fair and square, but that's in question. The importance of this land to the environment and to the community far outweigh these manini technical matters. Peter Martin, and maybe the previous testifier, should have, and did know better because this property was already in negotiation with the County for preservation. So, they were not acting in good faith. Builders should not be able to say I got you because of a technicality. They shouldn't...the recently acquired rights of the purchaser should not outweigh the greater needs of the environment. So, we need to look at this issue from a wider perspective, and weigh the needs of the environment against the perceived rights of unethical land acquisition. This is why we need to invoke eminent domain in this case. Because if we simply adhere to convoluted technicalities in all cases like this, the environment will suffer. We need to act responsibility from an environmental, ethical, and sustainability standpoint because we are talking about life-sustaining watershed systems and important lands that are critical for future generations to come. Please vote to pass this measure to acquire the Ma'alaea watershed lands through eminent domain. Thank you.

CHAIR KING: Mahalo, Mr. Dorn. Any questions, Members? If not, thank you so much for your testimony, and we'll move on to our next testifier. Wilton.

MR. LEAUANAE: Next testifier is Bridget Mowat, followed by Colleen Case.

MS. MOWAT: Good morning...or bunā ziua. I am in support of the Resolution 22-206, and protecting the watersheds is, at this day and age, very, very important. I disagree with not the previous, but the previous, because it seems that, you know, he's interested in putting money in his pocket. And I think it's time we think about everyone and the environment. We've got challenges ahead, and we really need to prepare for it. So, I'm very grateful that this is happening, and I think...I'm glad the CARE Committee brought this into light, and I support it 100 percent. Thank you very much, and have a great day.

CHAIR KING: Thank you, Ms. Mowat. Any questions for our testifier? If not, we'll move on to our next testifier. Thank you so much for your input.

MR. LEAUANAE: Next testifier is Colleen Case, followed by Lynn Britton.

CHAIR KING: Ms. Case. Colleen Case. Let's see. I don't see her on my screen. Oh, there...now

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

September 14, 2022

I see her on my screen. Are you there, Ms. Case? I see your video. Give you a couple seconds to unmute. You're...

MR. LEAUANAE: Looks like her audio's muted on her end.

CHAIR KING: Okay. I don't see her. I see a background. There might be some difficulties. We'll move on to our next testifier, and she can circle back around and sign back up.

MR. LEAUANAE: Thank you, Chair. Next testifier is Lynn Britton, followed by Mike Reyes.

CHAIR KING: I think Ms. Britton is going to be giving opening remarks when we get to CARE-97, so I'm not sure if she meant to be testifying. Lynn, did you mean to sign up as a testifier as well?

MS. BRITTON: I don't know, Chair. I did submit written testimony, so I'm fine either way.

CHAIR KING: Okay. We have you with...doing opening remarks since you've been involved with this issue from the beginning.

MS. BRITTON: Okay.

CHAIR KING: We'll go ahead and move on to our next testifier.

MR. LEAUANAE: Next testifier is Mike Reyes, followed by Robin Knox.

MR. REYES: Good morning, everyone. Good morning, Councilmembers. I just wanted to speak to the environmental importance of the parcel within the larger 5,000-acre watershed. I'm Michael Reyes, I'm the owner of Maui Environmental Consulting. I wrote the Pohakea Storm Water Management Plan. We are currently writing the Pohakea Watershed Plan for the Department of Health clean water branch. And, you know, working with Maui Nui Marine Resource Council, we've actually done a lot of work on...you know, what I refer to as the Spencer property, but I guess now it's owned by Hope Builders. You know, but...you know, we...we've worked...we've had Goodfellow Bros. come out and re-grade some of the roads associated with this property to turn them into firerights. And so, you know, portions of this property do provide that service to the larger community in that some of these roads are...have been used as firebreaks. And certainly, DLNR can speak to that. We've also conducted stream characterizations on the streams within the Spencer property. We have severe head cutting that's occurring where we're losing large amounts of sediment off of this piece of property during these large storm events. While they are ephemeral, you know, we do see, you know, severe sediment loss. And I can provide reports and pictures on all these things. You know, we have also...I say we, but Maui Nui Marine Resource Council actually paid to have drainage reports made of this parcel of land, and with designed retention basins in place looking at the amount of water that comes off of the mountain. And so, you know, just kind of zooming out, the reason why I think we're all here today talking about the environmental importance of this land is that it's right at the inflection point where you have steep mountains meeting your coastal plains that are, you know, associated

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

with Ma'alaea Harbor and Ma'alaea Bay. And so this particular land's a perfect place to capture stormwater, to capture sediment, and things of that nature. And so I just wanted to be here today to talk about the environmental importance of this particular piece of property with respect to fire, and sediment, and stormwater, and let you know that there are lots of reports out there that are available specific to the Pohakea watershed, and to this area in particular. That's all I have. Thank you.

CHAIR KING: All right. Thank you so much. And Members, because Mr. Reyes was so involved in the Pohakea watershed, are there any objections if we ask him to stay on as resource?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR KING: Are you able to do that, Mike?

MR. REYES: Unfortunately, I have to go at 10:00 today, so...I'm so sorry. I'm happy to help in any other way I can. I just won't be able to be here today. I'm sorry.

CHAIR KING: Okay. Are there any questions that we have for our testifier? If not, we'll move on to our next testifier. Thank you so much.

MR. LEAUANAE: Next testifier is Robin Knox, followed by Austin Van Heusen.

CHAIR KING: Aloha, Ms. Knox. Go ahead.

MS. KNOX: Good morning. Good morning, Chair. Good morning, Committee. Thank you for hearing this resolution. I have to start out by saying that I feel the need to counter this narrative in our community that environmental protection is somehow opposed to development. Environmental protection not only protects the environment, but it protects everyone dependent on the environment, which includes all human beings. This particular property, one reason that it's really good for this purpose and worth the effort of eminent domain is what Michael Reyes just said. This is the best place for implementing pollution control because it's the flatter space at the bottom of steep watershed. Development would only increase impervious surface area, so it is a total fallacy that the developer could somehow manage all of the runoff from this whole watershed with normal development type stormwater controls. I think it is going to take a lot more than that to mitigate the tons--and I mean tons and tons--of sediment that come off of that watershed. Building affordable housing should be done where it's safe, and the Spencers were unable to develop that land because of concerns about wildfire, because of concerns about where the sewage would go, and the impact on drinking water supply. So, it was not arbitrary or political or without reason. The tons of sediment...I have monitored the harbor. We've heard a lot of discussion about the environmental protection of the bay, but I monitored the harbor. One culvert in just one event that was just a few hours long, there were...there was 30 million gallons of stormwater that went into the harbor, and it carried with it 167 tons of sediment, and 122 pounds of nitrogen, which is a harmful nutrient for the reef. That's one culvert in one short storm event, and there are many culverts discharging into the bay and the harbor from that watershed. And so, the...this is important, you know, not only for the

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

September 14, 2022

environment, but also for the economy, for businesses. We know that it's good to have a bay that has a healthy coral reef, but it's also good that those recreation-based businesses who have boats in the harbor be able to get in and out of the harbor. And right now, the harbor is full of sediment, and it's going to be very costly to figure out how to remedy that. And the first thing we can do is remedy, you know, the sediment coming in, and stop sediment from coming in. The boat lodge . . . *(timer sounds)*. . . is less than 10 feet deep there, so people run into difficulty all the time in even launching boats. And when we sample, we have to be careful not to disturb the bottom.

CHAIR KING: Can you...can you conclude your testimony, Ms. Knox?

MS. KNOX: That's it. I'm done.

CHAIR KING: Okay. Okay, great. Thank you so much. Any questions for our testifier? If not, thank you so much for your input, and we'll move on to our next testifier.

MR. LEAUANAE: Next testifier is Albert Perez, followed by Kelcey Sykes *(phonetic)*.

CHAIR KING: Good morning.

MR. PEREZ: Good morning, Chair King. Good morning, Members of the Committee. Aloha to you. I'm Albert Perez. I'm with Maui Tomorrow Foundation. Like to urge you to support this resolution, move ahead with eminent domain, and authorize the Administration to proceed with the purchase of this 257-acre parcel in Ma'alaea. This parcel is already recognized as valuable for open space. It lies at the base of the steep slopes that lead up to the wind farm, and it's the natural floodplain for numerous gulches that carry stormwaters to Ma'alaea Bay and Harbor. And notice I didn't say streams. There are gulches that result from the erosion that happens when we get rainfall in those steep slopes. Maui County's 2006 Scenic and Historic Resources Inventory, which is cited by the Maui Island Plan, identified the views from this area as being of high value. In past years, there's been much destruction that's been caused by wildfires that spread quickly due to the high winds that were the reason that they put the wind farm there. When development was proposed there, the small fire buffer that was proposed was completely inadequate. When the winds are high, embers can start fires far away, as especially people in Lāhainā know from the fire a couple years ago. So, this is a terrible place for housing. It's a great place to help Ma'alaea Bay, and eliminate the sediment that's in the bay. We're not going to be helping people who can finally afford a home by putting those homes in hazardous areas that are subject to fires or flooding. We have the Maui Nui Marine Resource Council. We have the State DLNR. They have plans to mitigate all these impacts, and prevent the siltation of the waters in Ma'alaea, which are critical to the humpback whales, but this type of plan cannot be carried forward if it's going to be broken up into privately-owned parcels. And so, this land is very suitable for public ownership, and we urge you to support County acquisition. Mahalo.

CHAIR KING: Mahalo, Mr. Perez. Any questions for our testifier? Okay. Seeing none, thank you for your input. We'll move on to our next testifier.

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

September 14, 2022

MR. LEAUANAE: Next testifier is Jonathon Hilton (*phonetic*), followed by John Kim (*phonetic*).

CHAIR KING: Mr. Hilton. Oh, he...Mr. Hilton just put in the chat that he doesn't want to testify. We can move on to our next testifier.

MR. LEAUANAE: Next testifier is John Kim, followed by Lucienne de Naie.

CHAIR KING: Mr. Kim. I don't see him on the call either. John Kim? Okay. Going once, going twice. We'll go ahead and move on to our next testifier.

MR. LEAUANAE: Next testifier, and last to sign up for those wanting to testify at the beginning of the meeting, is Lucienne de Naie.

CHAIR KING: And actually, Lucienne, we have you signed up...we have you on the agenda under this item as a presenter, so if you would like to wait until we get to the item, you'll be doing a kind of a quick overview. I don't see Lucienne here anymore. Okay. We'll go ahead and move on because we've got her as a...as a presenter. Looks like we might have one more testifier.

MR. LEAUANAE: Yes, Chair. Next testifier is Junya Nakoa.

CHAIR KING: Aloha, Mr. Nakoa.

MR. NAKOA: Hello. Wassup? Oh, sorry. I got to turn down my TV there. Yeah, sorry. I wasn't ready for talk. Yeah, you guys know I support this eminent domain. You know, that developer guy that wen talk that we should go...you guys should go listen to the people who like affordable homes and all that kine, you know, this...the developer is full of crap, you know what I mean? They never did build affordable homes for the people. I mean, real affordable, not da kine stupid kine, say it's affordable when it's not. Yes. And then you know how the guy said that the County finding every way to, you know, block development eh bull. Your developers are greedy buggahs who like stick one building wherever they can, and...and brah, like they said, no more fire department, the buggah...he da one said the buggah all dry. So what, you going to build one housing where you get all da kine, fire...fire hazards. Oh, my God. Bruddah, you got to go back to school. I don't know what the hell school you went, but you don't put one housing in the middle of one fire hazard. We wen go through...we wen go through that stuff over hea in Lāhainā before. So, no do that. And then anyway, these home builders, and Peter Martin, you know, they...now they in cahoots with the West Maui Taxpayers or...or, you know, all this kine stuff, the development li'dat. Dude, we watching you guys, brah. I'm one of the main guys who fight for affordable homes, and we no like you guys. You guys are junk anyway. Okay, but do it eminent domain, and go get dis...go get dis thing and protect our island, you know, and protect 'em from crooked developers. I not scared say em' already. I tired...tired already...tired of all this kine stuff. Okay. You guys know what is right. You guys know what is right, so please do what is right. And we watching. Shoots.

CHAIR KING: Okay. Thank you for your testimony. Any questions, Members? If not...oh, we

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

September 14, 2022

have a question from Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yeah. Thank you.

MR. NAKOA: Yeah, wassup?

COUNCILMEMBER SUGIMURA: Thanks for being here. So, when you referenced West Maui...West Maui Taxpayers Association with Peter Martin, are you talking about the Olowalu Fire Station you're against?

MR. NAKOA: Yeah.

COUNCILMEMBER SUGIMURA: And the community is against that, the Olowalu Fire Station?

MR. NAKOA: I am.

COUNCILMEMBER SUGIMURA: Okay. You're speaking for yourself? Thank you.

MR. NAKOA: Yeah. Well, who do you guys...who the hell else do you think is talking about? I'm talking about myself.

COUNCILMEMBER SUGIMURA: Thank you.

MR. NAKOA: Okay.

CHAIR KING: Okay. Thank you, Ms. Sugimura. If there are no other questions...we did get a message from Lucienne de Naie that she wants to testify now, so we'll go ahead and bring her on. She might not be available for the start of the item. Ms. de Naie, aloha. Are you not available for...

MS. DE NAIE: I volunteer today at the Bailey House. I forgot that. And...so, if someone texted me, maybe I could hop on, you know, later when it's discussed, but I need to leave at 10:00.

CHAIR KING: Okay.

MS. DE NAIE: At any rate, I'd like to...yes. I would like to testify on behalf of the Sierra Club Maui in support of the resolution to proceed with eminent domain acquisition of these lands. You know, if you just go back in history, there was a reason that Planning Director David Blane recommended that the area not be zoned for development. There was a reason that former Mayor Linda Lingle vetoed the community plan for South Maui in 1998 because it included this land, and the land across the street, for which the County really did not have supporting infrastructure then, and it does not now. There is a reason that Planning Director Miskay (*phonetic*) came out and said this was not a good area for development. There is a reason Planning Director Foley told the Atherton partnership, when they bought the land, that it was just a terrible place for development, and the Department could not support it. There was a reason Planning Director Hunt

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

September 14, 2022

said the same thing. And there was a reason Planning Director Will Spence also wrote a letter saying it was an inappropriate place for development when it was proposed in 2015. Yes, citizens groups have said the same thing, but we're not just shouting in the darkness. This is a poor place for development. It is a crucial place for having some management...actually, for having the management of erosion and fire danger. And we have an opportunity to do something that will benefit future generations. It's really too bad that it's been so difficult, but I will say that other important land purchases here have had their ups and downs as well. This is...this is not like the only step in the story, the only place that's had to have twists and turns and new directions taken. So, we urge the Council to have the courage to look ahead one or two generations, and give this land to its highest and best use. It's wonderful that Mr. Martin wants to build affordable housing, and there should be land provided for that so his good intentions can be fulfilled. We do have lands that are fully entitled that no one is acting on. Perhaps that could be a better fit. Thank you for your consideration. . . .*(timer sounds)*. . .

CHAIR KING: Oh, perfect timing. Thank you for your testimony. Members, any questions of Ms. de Naie? And then we'll have Staff text you just to let you know when we're on, but I think that was a great...great opening remarks for the item. So, thank you very much for --

MS. DE NAIE: Thank you.

CHAIR KING: -- wisdom. All right. Any other testifiers for the beginning of the meeting? If...do we have any other testifiers, Wilton, signed up?

MR. LEAUANAE: Yes. We have Lance De Silva that's on the list currently.

CHAIR KING: Mr. De Silva.

MR. DE SILVA: Oh, good morning.

CHAIR KING: Good morning.

MR. DE SILVA: Good morning. So I'll be jumping on this on behalf of the DLNR Forestry Office, and I'm just reading a message. So, DLNR is not taking a position on the initiative. That's just the message I'm relaying. I think a question came up...I mean may come up about the legacy land funds, if it's available.

CHAIR KING: Oh, did we get a...looks like a screen freeze. Mr. De Silva? Like getting to the critical punch line, and then he froze. Mr. De Silva, want to try again? Why don't we move on to...looks like there's another testifier. Why don't we move on to the next testifier, Wilton, and then we'll try to circle back with Mr. De Silva.

MR. LEAUANAE: Next testifier is Zhantell Lindo.

MS. LINDO: Aloha, and thank you for the opportunity to testify. I was sitting here listening to this, and I just want to first say that I am testifying on my own time, and as a private

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

citizen. First, I thank Auntie Bridget for standing up, and I wanted to stand up as a part of the Moloka'i community to just say how proud I am of this Council for having the courage to do such awesome and amazing things. Like Lucienne said, for years, we've known that something was necessary and needed to be done, but it took you guys to really step forward and do that. And I know you're not always getting the best support you need, but I just wanted to say that first off. Secondly, I just wanted to make clear that sometimes we allow people to be manipulative in the way that they introduce items or they plead their case. This is not about affordable housing. This is not about the lack of you guys doing your job in supporting affordable housing or workforce housing. This is about our environment, and our ability to regenerate the resources that we need to live healthy, thriving lives in Maui County. Moloka'i has done a great job at that, and I just am so happy to see that Maui is pursuing avenues like this that are critical. The other thing is, if I had my way, I would put a moratorium on any more buildings on the sea line or anywhere where flooding could occur until we, as a County and Government and people, talk about how we're going to remove all the 'ōpala that is already there building up next to the sea line, or places where climate change and sea level rise are affecting. Huge cost, huge infrastructural need for how we're going to remove things that are already there. And allowing any developer to do something and add to the inventory of junk that could possibly flow into the ocean and poison our waters and our people is just crazy. So, I am thankful. And in closing, I just wanted to also say that as much as I support this, I also would like to support the idea that you guys take this even further, and commit to funding, and commit to intentional planning for how we're going to use this with all the resources and plans that is associated with this, and have been through the years, really make an intentional move that this doesn't just sit as one of our vacant lands that we took on, and use this property in a way that is best intended, to learn about management and mitigation, to learn about how we can have good water storage, to learn about all those things, and make this an example for our entire County. So, mahalo.

CHAIR KING: All right. Mahalo, Zhantell. Any questions, Members? If not, thank you so much for your input. It looks like Mr. Silva [sic] did come back on the call. Are you there, Mr. Silva [sic]? There you are. Okay, let's try again.

MR. DE SILVA: Good morning. Sorry. Something happened on my end. So, I was leaving off on the legacy land funds because I know that might come up. And the money right now, the way the BLNR approved for that...for the money to be used was based on a willing seller. So, potentially, the money is still there, but it would have to go back to the board for approval. So, just so that everybody understands that. So, the way it was approved in concept the first time, it was based on a willing seller, and potentially, it would have...it'd have to go back to the board for...to be considered and approved again. And then from a forestry point of view, I mean, our concern is...you guys talked about erosion runoff, you know, stormwater. So, we'd be interested in, you know, however the land is managed for...it needs to have green breaks. It needs to be managed for storm runoff and fire pre-suppression, suppression. All that has to be some emphasis and some focus on that type of management. Whoever has the land at the end of the day, that all needs to be considered.

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

September 14, 2022

CHAIR KING: Okay.

MR. DE SILVA: That's about it on the DLNR side.

CHAIR KING: Okay. Thank you so much. And you're sitting in for Scott Fritz?

MR. DE SILVA: Yes, yeah.

CHAIR KING: Okay. And so, just to remind Members that Scott was the one who wrote the original letter supporting the County purchase of this land...of these lands. So, appreciate that. Any questions? Question from Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Hi, Lance. Nice to see you. So you're saying that the...it has to be a willing seller.

MR. DE SILVA: Yes.

COUNCILMEMBER SUGIMURA: Eminent domain process, is that okay for legacy lands to be used?

MR. DE SILVA: So, based on a willing seller. So, if the seller's not willing to sell it, it'd have to go back to the board. So, potentially, the money's still there, but it'd have to go back to the board for approval because they approved it on the concept that the original seller was willing to sell it.

COUNCILMEMBER SUGIMURA: Okay.

MR. DE SILVA: So for eminent domain, technically not a willing seller, so it'd have to go back to the board.

COUNCILMEMBER SUGIMURA: Oh, I see. So, it may not get approved. Do you know...

CHAIR KING: That's how the original...that's how the original grant was approved, but it doesn't mean it can't get approved if we go into eminent domain. We just have to go back...we just have to go back to them.

COUNCILMEMBER SUGIMURA: Oh, okay. So that means...

MR. DE SILVA: So, we have to be clear on the rules.

CHAIR KING: We have to rework the agreement.

COUNCILMEMBER SUGIMURA: Do you remember how much it was for?

CHAIR KING: It was for a million dollars.

COUNCILMEMBER SUGIMURA: Oh, okay. Okay, yeah. Thanks.

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

CHAIR KING: Okay. We have a question from Councilmember Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Mr. De Silva. You said when it has to go back to the board. I'm kind of curious on the timeline of that because it seems to me landlords meetings are pretty...it's a long ways out, or is it timely? Do you have an estimated time of how long that would take for it to go to the board?

MR. DE SILVA: They have their monthly board meetings, and you would just have to get on the board agenda. Once it gets approved on the board agenda...usually it's a...their deadlines every month on when . . .*(inaudible)*. . .

CHAIR KING: Oh.

MR. DE SILVA: My computer died.

CHAIR KING: Okay, go ahead. We lost you at deadlines.

MR. DE SILVA: So, yeah. So, the deadlines for the board meetings...there's monthly ones and before...you have to get on the...the submittals have to get on the agenda. If they're not on the agenda, they pushed for next one. So, it's just a matter of when something . . .*(timer sounds)*. . . when it gets submitted, if it gets approved for that. You know, it's about every month, so I can't say whether it gets on next month. It all depends on when it gets submitted to be heard.

COUNCILMEMBER JOHNSON: So, you don't know if there's like a backlog right now? I mean, I know you have monthly meetings, but maybe they're backlogged by six month. I don't know. I'm just wondering.

MR. DE SILVA: Yeah, I don't think...I mean, personally, I don't think it's going to take six months.

COUNCILMEMBER JOHNSON: Okay.

MR. DE SILVA: It's sooner than that. It just has to be . . .*(inaudible)*. . .

COUNCILMEMBER JOHNSON: Okay. Thank you.

MR. DE SILVA: No problem.

COUNCILMEMBER JOHNSON: Thank you so much.

CHAIR KING: Thank you, Lance. Thanks for your input. And then...and Member Johnson, just so you...because I've met with legacy lands on this issue a couple of times...so, the money's there. It's...they don't...you know, we went through the hard part of actually sequestering the money for the purchase, so we would have to go back to the board just to approve the new terms of the purchase, which would be the County of Maui

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

September 14, 2022

purchasing it versus . . . *(inaudible)*. . . lands.

COUNCILMEMBER JOHNSON: Okay. All right. Thank you for that clarification. Thank you, Chair.

CHAIR KING: Sure. Okay. Oh, do we have any more testifiers? I don't see any on the list, Wilton, at this point, for the start of the meeting. So, if there are any other testifiers wanting to testify at the start of the meeting on either item, please unmute yourselves now and speak up. Otherwise, we'll...if there's no objections, we'll close the morning portion, the opening portion, of our testimony and accept written testimony into the record. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

**CARE-97: RESOLUTION 22-206, AUTHORIZING PROCEEDINGS IN EMINENT
DOMAIN FOR THE ACQUISITION OF MA'ALAEA
MAUKA/POHAKEA WATERSHED**

CHAIR KING: Okay. So, Members, I'm going to go ahead and move into the first item on our agenda. And what we'll do is go in...we have a couple of testifiers who want to testify specifically on this item before we go into deliberations. So, I'm going to go ahead and do my opening remarks, and then we have...we had opening remarks planned from Ms. de Naie and Ms. Britton. Ms. de Naie had to leave. So, we'll get opening remarks from Ms. Britton, any clarifying questions from the Committee, then we'll go to the...back to public testimony. Okay. So beginning...this...these are...this is sort of some of the history of this issue as well, the Resolution 22-206, Authorizing Proceedings in Eminent Domain for the Acquisition of Ma'alaea Mauka/Pohakea Watershed, CARE-97. Members, at the beginning of the Fiscal Year 2021 budget session, we allocated funding for the eventual purchase of 257.7 acres, Ma'alaea Mauka, identified as TMK (2) 3-6-001:018. The initial earmark for these funds was for the Hawai'i Island Land Trust, but after several discussions, in April of 2021, HILT and the Trust for Public Land determined that TPL would be the appropriate land trust for this property. Together with the Ma'alaea Village Association, Maui Nui Marine Resource Council, the County of Maui, and the Department of Land and Natural Resources, the land was to be managed for wildlife prevention and erosion control to protect the water quality, corals, and marine health of Ma'alaea Bay. At the May 6th, 2022 Council meeting, Bill 77 (2022) was passed, amending the Fiscal Year 2022 budget to allocate additional funds for the purchase. TPL also received approval for \$1 million in the Department of Land and Natural Resources legacy land conservation program to support the purchase at a price of 7.2 million. The Council was unaware that the landowner was in negotiations with another purchaser. However, on May 10th, Peter Martin and the West Maui Land Company purchased all 257 acres. Mr. Martin has indicated to TPL that he is not interested in selling the entire parcel for the purpose of conservation. And we actually have an email...an email from Leo Hum *(phonetic)* of TPL saying that. Considering the four major streams associated with Pohakea watershed, the coral reef existing directly offshore, the Hawaiian humpback whale sanctuary, the millions of

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

gallons of stormwater that pour into this plain during high flow events, and the potential for this land to mitigate sediment transport to the ocean through restoration activities, it is important that this critical watershed be protected. Joining us today we have Lynn Britton, immediate past President of Ma'alaea Village Association. We had Lucienne de Naie, Chair of the Sierra Club Maui. We were hoping to have Michael Reyes, but it looks like he had to...he's going to have to leave at 10:00. And Tapani Vuori, who was scheduled to be here, could...was in...is in some last-minute meeting, so he is not able to be here. From the Administration, we have Keola Whittaker, Deputy Corporation Counsel, to answer legal questions that Members may have. We also have our own OCS Attorney standing by, Forrest...or James Forrest. And...so, Members, if there are no objections, I would like to designate Mr. Whittaker, Ms. de Naie, Ms. Britton as resource personnel in accordance with Rule 18(A) of the Rules of the Council.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR KING: Okay, great. Thank you. So, at this time, I would like to ask Ms. Britton to give her opening remarks and any additional corrections from the overview that I gave that you have, Lynn. Go ahead and...there you are. Aloha.

MS. BRITTON: Good morning, aloha. Bunā ziuā. Aloha, everybody. I didn't know I was going to be giving formal remarks today. I did submit my written testimony, and I hope that Councilmembers have had a chance to review MVA Vice-President Tapani Vuori's extensive testimony showing actual pictures of the stormwater erosion and the effects on the gulches on this particular parcel, the 257 acres, and talking about the water quality that Ma'alaea Bay experiences after storm events. In my personal testimony, I identified the fact that since my Council days in '93 and '94, I have represented the wishes of the community, and make every effort possible to preserve this acreage, which is at the crossroads to West Maui and Central Maui. All traffic going to Lāhainā, West Maui goes through Ma'alaea, Central Maui, and South Maui too. It's a very important area. We worked for years trying to preserve at least a portion for conservation, and the community negotiated with previous landowner on various development opportunities, and none of them came to fruition because of environmental issues. The EIS and the EA were never accepted because of the faults regarding the water issues, the drainage issues, things like that. Actually, doing our research for a Ma'alaea history book, we did refigure and reconnected with the fact that when the two project districts for Ma'alaea were approved, the plan was that A&B's 650-acre project district would come before the Ma'alaea Mauka 250-acre project district, and that would provide all of the infrastructure, water, schools needed for housing for the area. So, that goes way back to 1992 to 1998 when the Kihei-Makena Plan was passed. That's an important piece of history that has been lost over the way. Working with Lucienne and others in the community, we've worked side by side with Trust for Public Lands to negotiate with the landowner. We had everything in place. My understanding was that even though the appraisal came in at 8.2 million, that the previous landowner had told TPL that they would accept 7.2. We received the 6.2 million necessary from the Council. Thank you all for your support. You understood the importance of preserving this property. And we secured the \$1 million from Legacy Lands. That same afternoon, we were told by Mr. Spencer that Peter Martin, who had an option on the property and had told Mayor

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

and TPL that if the County money came through he would back out...he decided to back out, and the following Tuesday, he exercised his option and closed the deal. So, he was very aware that the County money was in place, and we were ready to finalize the purchase on that day. So, that has been quite a sad situation, and having been working on this for over 30 years, it's quite an emotional issue for me personally. I did hear the testimony from his representative today. This is not a place for housing. The Maui Island Plan said very clearly that both project districts were to be kept out of the urban growth boundary, they were not suitable places for housing development, and the erosion and wildfire issues, which have since been identified very clearly in the Pohakea stormwater management study, have proven for a fact that the piece of property is very important to restoring Ma'alaea Bay, which is vital for the long-term future for Maui and our people. I think that's about it right now. I am available to answer any questions. Lucienne was more involved in the actual history than I was, working side by side with Albert Perez of Maui Tomorrow. But I'm here to answer any questions that you may have. And thank you again for your support of this open space purchase. I think the commitment of DLNR DOFAW to create a forest reserve on...including this and the 5,000 acres around, will definitely be a major step in preserving Maui's future for not only our residents in providing recreational opportunities, but also in terms of preserving the open space and scenic resources that are very important to a healthy visitor...quality visitor industry in the future.

CHAIR KING: Okay. Thank you so much for your presentation. Members, any clarifying questions? We'll still have a chance to ask questions, but we need to hold it to clarifying questions. And we'll go back...and I see that Ms. de Naie is still on the call as well, but we need to open it up to specific testifiers who...we have a couple of testifiers who wanted to testify right before the item came up. So, if there are no...if there are no questions from Members, we'll go ahead and...oh, if there's no objections, we'll open up for public testimony again. Okay, no objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR KING: Okay. Wilton, can you call the first testifier for this...specifically for CARE-97?

MR. LEAUANAE: Thank you. Thank you, Chair. First testifier is Mike Moran, followed by Dick Mayer.

CHAIR KING: Aloha.

MR. MORAN: . . .*(Inaudible)*. . . a lot of work that this...that this Committee has been doing, and we had a testifier this morning in support of this action. We'd like to remind folks that when our organization was incorporated back in 1960, our charter calls for us to actually be a...representing South Maui rather than the subarea Kihei, but 1960, we all know, it was quite a different time. And they chose to pick the name Kihei, and we stick with it, even though we do try and look at the whole region from Ma'alaea down to La Perouse. And on this piece of land, yes, we have participated numerous times to evaluate proposed projects in here. And with most of the community and most of the government agreed, it was not a good place to develop. And it's sometimes...I can grab

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

that expression that's used by our representative from another island, says that when your hair is on fire, you take emergency action. And some people will say eminent domain is emergency action. Well, however you describe it, we feel that it's certainly necessary. We do remind folks that currently, the State DOH has declared a brown water alert for this whole area, from Ma'alaea down to La Perouse, from runoff. And most of the concern that we have on runoff, of course, is coming from the other side of the island, from the Kihei subarea, where we have all this development. And we see that development certainly does not help in preventing runoff, it exacerbates the situation. And that's why we have this. And the longer it goes on, the more damage we continuously do to our coral reef system in this entire bay. So, there's...we can't do this kind of action on this side. It's too late. It's already been developed. But at least let's stop digging...stop digging in the hole and stop, you know, going forward with these kind of acquisitions, and saying we've got to develop because we need affordable housing. Everybody agrees we need truly affordable housing in the proper locations. And there's plenty of land in South Kihei that is appropriate to develop, but not in regions like this one that you're discussing this morning. So, we do urge you to stand strong, and go ahead with this process that you're attempting to establish with this resolution this morning. Mahalo for the opportunity to testify.

CHAIR KING: Okay. Mahalo, Mr. Moran. Any questions for our testifier? If not, thank you for being here again, and for being such a stalwart representation of the community. We'll move on to our next testifier, Mr. Leauanae.

MR. LEAUANAE: Next testifier currently signed up is Dick Mayer.

CHAIR KING: Dick, you're on. There you...oh, thought I saw him for a minute. Does anybody see him on the screen? Anything from the chat? Dick Mayer, are you there? Okay, I don't see him on the screen, and I'm going to do one last call for testifiers. If you're...if you're wanting to testify on CARE-97 and haven't already, please unmute yourself and speak up. Otherwise, we're going to close testimony. All right. Any objections to closing testimony on CARE-97?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR KING: Okay. We'll go ahead and close testimony and accept written testimony into the record if there's no objections.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR KING: Okay. All right, Members. We still have...looks like we still have Lucienne de Naie on, and we had designated her, and we have Ms. Britton on. We also have Corporation Counsel, I'll just remind everybody. So, at this point, so that we can go ahead with the item on the floor...oh, I'm sorry, we...let me see. Okay. Mr. Mayer was trying to get on, but he was having technical difficulties. Any objections to opening up for testimony if he can get back on? Mr. Sinenci.

VICE-CHAIR SINENCI: Yeah, no objections.

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

September 14, 2022

CHAIR KING: Okay. We'll give Dick a couple seconds here to get on. Staff, do you want to ask Mr. Mayer if he wants to just call in, if that's easier and quicker?

MS. MILNER: We'll try and reach him, Chair.

CHAIR KING: Okay. I'm going to go ahead and move on, and we have closed testimony. And then we can talk about whether we want to allow testimony after, but we have limited time, so I want to go ahead and see if we can move on this issue. And Members, I'd like to get the resolution on the floor as a motion so that we can begin deliberations. So, at this point, the Chair will entertain a motion to recommend passage on first reading of Resolution 22-206, entitled "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF APPROXIMATELY 257 ACRES AT MA'ALAEA MAUKA/POHAKEA WATERSHED, MAUI, HAWAI'I FOR PRESERVATION," allowing Staff to make any nonsubstantive revisions. Is there a motion?

VICE-CHAIR SINENCI: So moved.

CHAIR KING: Moved by Committee Vice-Chair Sinenci, seconded by Member Johnson. Okay. So we have the motion on the floor, and we'll go ahead and open it to discussion. We will put three minutes on the clock for Councilmembers if you have any questions or discussion on the motion. Now is the time. I'll just take by a show of hands...Chair Lee.

COUNCILMEMBER LEE: I just want to say I'll be supporting the motion. I am in agreement with the testifiers, and don't have anything else to add. Thank you.

CHAIR KING: Okay. Thank you, Chair Lee. And we have Committee Vice-Chair Sinenci.

VICE-CHAIR SINENCI: Mahalo, Chair. I just wanted to ask Mr. Whittaker of the process moving forward.

CHAIR KING: Mr. Whittaker.

MR. WHITTAKER: Thank you, Chair. So, after this resolution passes Council, the next steps would be for the Administration to obtain a title report and an updated appraisal, which would help determine what just compensation would be for the property. At that point, the Administration could engage in negotiations with the current property owner, and if that doesn't go well, we would initiate condemnation proceedings and court action to exercise the eminent domain power. We would also need to come back to Council once we determine what the appraisal price is for fair market value to get approval for that specific purchase price.

VICE-CHAIR SINENCI: Mahalo, Mr. Whittaker. Thank you, Chair.

CHAIR KING: Thank you, Committee Vice-Chair. Keola, can I ask you one more question? Just wanted to confirm that...so, if it passes out of Committee today...and I think we can't take any more testimony because we've already started deliberating, and...so,

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

September 14, 2022

sorry, Mr. Mayer, but...so, it will take two Council meetings is what I was told, even though it's a resolution, but it...because of the nature, all eminent domain resolutions will take two Council meetings is what I was told.

MR. WHITTAKER: Yes, that's my understanding as well, but you know, I defer to your OCS Counsel on what the Council rules say.

CHAIR KING: But you're in agreement that that's what they told you.

MR. WHITTAKER: Yes. . . .*(inaudible)*. . .

CHAIR KING: Okay. Any other questions or comments, Members? If not, are we ready to vote? Okay. Should we do a...I'm going to go ahead and call for a voice vote, and if there's an issue we'll do...Member Sinenci. Committee Vice-Chair Sinenci, did you have a...or were you voting? Did you have a question?

COUNCILMEMBER LEE: Oh, he's frozen.

CHAIR KING: I think he's frozen now. I'm not sure if he was voting or if he had a question, so we...we'll give him a minute here to come back.

MR. MAYER: This is Dick Mayer. I was frozen out. I have just a brief statement, if I could make it.

CHAIR KING: I don't...well, the problem, Dick, is that we can't take any public testimony after we start deliberating. We've already started into deliberations, and once Councilmembers state their position on something, that's considered deliberations.

MR. MAYER: Okay. Thank you...thank you very much. I'm sorry.

CHAIR KING: Okay. We'll go to Committee Vice-Chair Sinenci.

VICE-CHAIR SINENCI: Thank you, Chair. Just for my final comments, I speak in support of acquiring the Ma'alaea watershed via eminent domain. I, too, voted in support of the County setting aside open space funding for this acquisition last year, and as was supported by the Ma'alaea community. Just to be clear, I'm supportive of affordable housing for Maui Nui residents. However, I am not, nor should we, be for housing at any cost. Last week we did have more flooding in South Maui, where we were criticized for denying an affordable housing project within that same flood zone. So, I appreciate, you know, Mr. Martin and Mr. Grether their willingness to provide affordable housing for our residents. We need that. However, Ma'alaea Mauka is known to be a fire-prone area, including...as a conduit to the Pali Highway. So I'm supportive of...I'm not supportive of putting residents, let alone children, in harm's way. For these reasons, I'm supportive.

CHAIR KING: Thank you, Mr. Sinenci. Councilmember Sugimura.

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

September 14, 2022

COUNCILMEMBER SUGIMURA: Thank you. I have a text that I got from Lance De Silva from DLNR for Councilmember Johnson on your question. He says that...can you let Councilmember Johnson know that BLNR board meetings take place every second and third Friday...second and fourth Friday of each month. He didn't know what the backlog was, but topics are submitted for agenda listing on a monthly basis. And he had to jump on to another call, but he wanted you to know that's his feedback for that.

COUNCILMEMBER JOHNSON: Okay.

COUNCILMEMBER SUGIMURA: Yeah. So, on this item, I just wanted to...when I heard Michael Reyes' comments, and probably Lynn Britton, with all of the years she'd been working on it, and understanding, although we're not talking about the watershed, you know, exclusively, what we are talking about it as a parcel of land that would get affected. And it seems pretty clear if it hadn't been sold for affordable housing in the past, and the...and the changes that the developer has taken until this acquisition, that building housing there may be difficult, which may be the...may be the wishes of Mr. Martin and his partners. But just by listening to what the...Mr. Michael Reyes spoke loudly to me, and Lynn Britton, it seems like this...you know, this parcel has other valuable means, the 257 acres. And the other thing I just want to say to Mr. Martin is that even if he did get his project together, for him to come before this Council and try to propose a housing project, it might be hard for him to get it passed, based upon the science and reports that we have heard. So, I would like to urge him to really consider using it for the public good. Although I think the cost was probably a good cost for him to build housing, and that's probably very advantageous, but in terms of the land use, of best land use, I would like to ask Mr. Martin to please reconsider all of this, and march forward with us as a community. So, thank you.

CHAIR KING: Thank you for those words, Member Sugimura. I completely agree with you. All right. Any other Members? I'll just...I'll give some brief final thoughts on this because I've been involved in this acquisition for a long time, and I really appreciate this Council understanding, for the last few years, why it was so important to put this land in conservation. In my first term, there was a proposal to put housing in that area, but it wasn't affordable housing, they were basically agricultural estates. There were 21 lots proposed, and then what...they were proposed...and they...what we got from the drawing was gentleman ag estates. That's not affordable housing. This area has no...it would be sprawl if they did try to put housing in there. There's nothing nearby. There's no schools, parks, stores, places to work. So...and the conditions of it...for any of you, like myself, who got stuck in that fire back in 2016, I mean, that was a sign of things to come. I think some of us were stuck for four or five hours, you know, holding traffic while they fought that fire, and that was...and that was not the first fire, and it probably won't be the last if we don't do some conservation on this land. The runoff, we've had many meetings in this Committee, and even the Council, where runoff...pictures were being shown of the runoff. And a lot of that, the destruction...I'm getting...I don't know if you folks are getting it, but I'm getting emails from folks who live in the sea level exposure area, wondering what we're going to do about it, wondering what the County's going to do to save their homes. Well, we lost our chance to do something to save those homes by not, you know, doing this kind of conservation 10 or 20 years ago because

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

September 14, 2022

this could've prevented a lot of the erosion that's happening now, and a lot of the runoff. But now is the...now is the time to act. You know, better now than in the next 20 years. And so with that, I would like to go ahead and call for a voice vote. All those in favor of the motion on the floor, raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR KING: Okay. The Chair counts six ayes, one excused, Member Paltin. Measure passes unanimously.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Paltin.

MOTION CARRIED.

ACTION: Recommending FIRST READING of Resolution 22-206.

CHAIR KING: Thank you, Members. And we'll send this on to first reading at the full Council. With that, it is 10:18. I want to thank our resource people. And thank you to everybody who gave input today on this important issue. We can go ahead and take our break, our morning break, until 10:30, and then we'll come back, and we'll have some brief presentations on changes to the International Energy Code. And I'm really excited to have Member Sinenci as our Vice-Chair because the first time we went through the last iteration of this Code, and changed it to the betterment of Maui County, he was chairing that Committee. So, we'll see you...we'll go ahead and take a recess until...it's 10:19 right now, we'll take a recess until 10:30. CARE Committee is now in recess. . . .(gavel).
..

RECESS: 10:19 a.m.

RECONVENE: 10:31 a.m.

CHAIR KING: . . .(gavel). . . Will the Climate Action, Resilience, and Environment Committee meeting please reconvene? It is 10:31 on September 14th.

CARE-67: HAWAI'I STATE ENERGY CONSERVATION CODE (CC 21-451)

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

CHAIR KING: Okay, Members. We're off on our second and final item, CARE-67, the Hawai'i State Energy Conservation Code. And as we previously discussed, the Council has until December 15th, 2022, to admit and adopt the 2018 International Energy Conservation Code and attached amendments to our Maui County liking, in accordance with HRS 108-28(A). If the County does not amend the 2018 IECC and attached amendments by this date, it becomes applicable as an interim County Energy Code in accordance with HRS 107-28(B). So, what that means is that the International Energy Code came to the State, the State made its changes, then it goes to each County. Each County gets to make our changes. We're looking at Big Island, and it's about these proposed changes we've been looking at, the Big Island proposed changes and O'ahu's proposed changes...I think maybe Kaua'i's too. But joining us today we have David Sellers, AIA, Principal Architect of Hawai'i Off Grid. We have Stamati "Mati" Stamatiou, he actually is with Green Building Hawai'i. So, he works with John Bendon and Austin Van Heusen in...he's an energy specialist. We also have Rob Weltman, who's the founder of Maui Nui EV Association. And we did invite Howard Wiig from the Energy Codes and Standards Program at the Hawai'i State Energy Office. I just got word that he may not be here, so that's a little unclear. He's invited. From the Administration, we have Deputy Corporation Counsel. And then the Director of Public Works, Jordan Molina, I think he's on. Are you on here, Jordan? They opted...the Public Works Department opted not to propose any changes, so I think he's just observing, and we'll ask for his comments after the proposed changes have been presented. So, if there are no objections, I'd like to designate Director Molina, Mr. Whittaker, Mr. Sellers, Mr. Stamatiou, Mr. Weltman, and Mr. Wiig, if he shows up, as resource personnel in accordance with Rules 18(A) of the Rules of the Council. And I'd also like to add Mr. Austin Van Heusen because it looks like he's here as well...he's from Green Building Hawai'i as well. So, any objections to those resource people?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR KING: Okay. Thank you. All right. We're going to go right into the presentations, and we'll hopefully...keep fingers crossed that the screen share works today. But it is number 6 on Granicus. The presentation is on there, and it's broken into...for our purposes today, it'll be three five-minute segments. So, the first one is Rob Weltman. Rob, are you on? Are you ready to do your presentation?

MR. WELTMAN: Aloha mai.

CHAIR KING: Oh, aloha. Okay. So, are you going to screen share, or is our Staff going to screen share for you.

MR. WELTMAN: I'll screen share. I'll try at least.

CHAIR KING: Okay. Your turn. You got five minutes.

MR. WELTMAN: Okay. Aloha mai kakou e nalalaou ke Komike keokekalano o Maui. Aukawani ko'i nua ai ho'ikewau ikihe manawe i kekahi ho'olawe no ho komeiana i

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

kawana ke i wai ike a kakoi kako‘o ikahui kehoana inaka‘a ikehu wila (*phonetic*). Good morning, Members of the CARE Committee. My name is Rob Weltman, and I'm sharing a proposal of Energy Code changes that will make it possible for more people to switch to zero emission vehicles. This is the first of three parts of the same presentation. I'm going to start sharing.

CHAIR KING: Fingers crossed. . . .(*inaudible*). . .

MR. WELTMAN: Okay. I think I got it.

CHAIR KING: All right.

MR. WELTMAN: Okay. Okay. Am I sharing my whole screen, or I'm sharing just the preview?

CHAIR KING: That's okay, yeah. Just go up and click on the screen that's at the top, the four icons...it's the third icon at the top of the screen.

MR. WELTMAN: Yeah. And...

CHAIR KING: That should allow you to share.

MR. WELTMAN: Yeah. I'm trying to just share the presentation, but is that sharing the whole screen or just the presentation?

CHAIR KING: We're not seeing it yet.

MR. WELTMAN: Nothing at all?

CHAIR KING: No, we're still seeing a BlueJeans screen.

MR. WELTMAN: Okay. . . .(*inaudible*). . .

CHAIR KING: Okay. Darla's on, and she says she can share screen for you.

MR. WELTMAN: Okay. Please do. Thank you.

CHAIR KING: Go ahead and share screen, Darla.

MS. ELLINGSON: Can you see that?

CHAIR KING: Nope. We just...we see your screen highlighted, but we don't see...you're not sharing the screen.

MS. ELLINGSON: Okay. It says I'm sharing, but...

CHAIR KING: Staff, can you give any help here?

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

MS. MILNER: Chair, BlueJeans has been having some screen share issues. They may need to log out and log back in as screen share only, or we can try and share the presentation from our end.

CHAIR KING: Okay. See if you can share the presentation from your end. They may be having problems too.

MS. MILNER: It doesn't seem to be working for us either, Chair. We will work on troubleshooting for us at the same time.

CHAIR KING: Okay. So, why don't you try...Rob, why don't you try logging out? Okay. How do you log back in with screen share only?

MS. ELLINGSON: I can log out, Rob, so you can stay in the meeting.

MR. WELTMAN: Okay.

CHAIR KING: Why don't you log out and see if you can log in with screen share? And for those of you who don't know Darla, she's...Darla's been active in our Climate Action Susan's (*phonetic*) Advisory Committee, but she's also working for Sustainable Pacific (*phonetic*), the sustainable design company that's been contracted by the County of Maui. So, they're helping with the Climate Action Plan.

MS. MILNER: Sorry, Chair. We do have a ticket open with BlueJeans for this issue.

CHAIR KING: Oh, you do? Okay. So maybe nobody's able to share screen. I know we've been having problems with other Committees as well. But I think we did get some screen share in Member Sugimura's Committee meeting when we looked at the beach...the Baby Beach one. The other thing we could do is...because we do have it on Granicus. So, we can...if you want to just kind of give your verbal presentation, Rob, and then we can try to...is it working now?

MR. VAN HEUSEN: Can you see the presentation? I just pulled it up and tried to share screen. This is Austin Van Heusen. Is that working for you?

CHAIR KING: All we're seeing is a blank screen. It just...it's all blue now.

MS. MILNER: Yeah, Darla Ellington is the one currently sharing their screen, but we are only able to see a black screen, so you may need to drag the presentation onto the screen that's being shared.

CHAIR KING: Is that you, Darla?

MR. WELTMAN: Is everyone able to follow the presentation on Granicus?

CHAIR KING: Members, are you able to pull it up on Granicus? It's number 6. Okay. I have it pulled up right now.

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

VICE-CHAIR SINENCI: Yes.

CHAIR KING: See if I can screen share. Well, okay. We're just having problems with screen...Rob, why don't you go ahead and just give us your presentation, and we'll try to follow along with the presentation from Granicus. The main screen that starts out presentation for County Council...for County of Maui Council CARE Committee from the Climate Advisory...Climate Action Advisory Committee for Maui County, that's the page 1?

MR. WELTMAN: Yeah. Yeah, next slide.

CHAIR KING: Okay.

MR. WELTMAN: So this is the part I'm going to be talking with EV readiness and new construction. Next slide. So, Hawai'i has a goal of net negative on carbon emissions by 2045, and about 40 percent of emissions here are from ground transportation. So, to meet that goal, we have to switch out internal combustion engines for electric vehicles. And in addition to the State's goal, Maui County has the goal of 100 percent EVs by 2045. While there are public charging stations, if we have a single-family home, we can probably put a charger in your garage, but if you live in a multi-user dwelling today, you probably can't. And one of the reasons is the high cost of retrofitting garages. Next slide.

CHAIR KING: Rob, somebody's got the screen share up now. Can everybody see the first slide?

MR. WELTMAN: Yes.

CHAIR KING: Okay. So whoever's got...whoever's doing it, can you advance the slides?

MS. MILNER: Hi, Chair. That's us.

CHAIR KING: Okay.

MS. MILNER: We're able to share the first slide, but it is now not advancing. Our apologies.

CHAIR KING: Oh, it's not advancing? Okay. Why don't you just...because I'm on Granicus. Oh, the arrow buttons don't work on this presentation for some reason, but...

MR. WELTMAN: It's okay.

CHAIR KING: So, Rob, sorry about that. We'll just go ahead with your verbal.

MR. WELTMAN: Yeah.

CHAIR KING: And you're on the cost of EV station, cost of retrofit slide?

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

September 14, 2022

MR. WELTMAN: Exactly.

CHAIR KING: Okay.

MR. WELTMAN: So a Level 2 charger, just for definitions here, will get your car to full capacity overnight, in general, while a DC fast charger may take only an hour. But Level 2 chargers are much cheaper, and they're usually more appropriate for residences because you can leave your car plugged in all night or all day. These are some older and newer numbers for the total cost to purchase and install a Level 2 charger, and the most striking numbers here are the ones from California. Retrofitting a nonresidential building for EVs adds \$7,000 to the 2-1/2 to \$3,000 cost for each stall with EV. Next slide. So these are the industry terms for levels of EV readiness. EV capable means there's a conduit from the electrical distribution in the building to the parking stalls. EV ready has the conduits, and also has wires to the stalls and outlets for power. And EV installed means the charger is there and ready to be used. Next slide. So, after looking at requirements across the...across the U.S. and at our Maui and Hawai'i goals, these are the levels that we propose adding to the Maui Energy Code. And since not everyone has this in front of them, I'll just read them. So, for multi-unit dwellings, like apartment buildings and condo buildings, we're proposing that 70 percent of all parking stalls be EV capable...in other words, have conduits pulled; 20 percent of all be EV ready...in other words, have outlets as well; and 10 percent already have chargers. Whereas, for one and two-family dwellings, we propose one EV ready space per dwelling unit, so they can choose or choose not to install the charger, but they don't need to pay the infrastructure cost of a conduit and wiring. And for nonresidential that are larger than...that are ten or larger stalls, we propose that 40 percent be EV capable, have the conduits, and that 10 percent are...have chargers because people already need to use them today. And of course, for this to make sense, the chargers have to be and remain operational, so not just have a...have a nonfunctioning charger there. And I think others will talk about this in their parts, but we need solar panels. We need electric...solar power in the houses to provide electricity for these...each of these chargers as well. Now, when does...when do these requirements apply? Well, obviously, they apply for new construction, but they also apply when there's a substantial change to an existing property, and that's outlined here. And finally, there are...there would be some buildings where there's more than one tenant, or maybe more than one worker if it's a commercial building, and the owner may opt to have a smaller number of DC fast chargers instead of a large number of Level 2 chargers to encourage sharing...because people can use it for a half an hour or an hour, and then someone else can use it. So, this proposal allows substituting seven Level 2 charging spaces for one DC fast charging space. E mahalo nakolo ho'olaiana (*phonetic*).

CHAIR KING: Okay, great. And Members, if you have any clarifying questions, can you hold them...can you write them down and hold them? Because we're going to go through the three presentations, and then we're going to take public testimony, and then we'll go into...we'll give all the...every Member a chance to go into more in-depth questions. So let's go to...next to David Sellers. And he's doing part two of the presentation, called Off-Grid and Photovoltaic. All right. Aloha, David.

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

MR. SELLERS: Aloha. Thank you for the opportunity to speak with you all today, and taking up this matter.

CHAIR KING: So we're having problems with the presentation, so we've...we're all looking at it on Granicus. And then we just...if you want to go through and let us know when you're on the next slide.

MR. SELLERS: Okay. Wonderful. So, as you mentioned, this is the off-grid and photovoltaic portion. And when we're talking about the energy code, we're really talking about efficiency. So, we're using less electricity, so we're producing less carbon, and releasing less carbon into the atmosphere. With that, when we have houses that don't need grid-supplied electricity, which is our major source of carbon emissions in relation to energy production, it makes sense that they would not be required to have the same level of energy efficiencies, et cetera, that would reduce energy use. So, if you're providing all of your own energy, and you're not producing carbon associated with that, then you should be able to lessen the cost in some case to the cost of housing or the cost of building. So, that's sort of the purpose of this. So, if you're on the slide, the off grid exemption proposal, you'll kind of see a summary of that. The Big Island, if you move to the next slide, has a wonderful section in their Code where they talk about this. So, the most...the easiest way to understand that would be the exemption for dwellings with permitted off-grid self-supplying photovoltaic with battery backup. So, that's a really...you know, basically you don't need to worry about how much energy you're using if you are producing all your own energy with photovoltaics with battery backup. With that, go to the next slide. When we're talking about cost, and we really want to balance any of these, you know, items to address carbon emissions with not increasing the cost of housing. As you all know, and you've seen, and you've witnessed, lots of people in our community have solar photovoltaic on their roofs, and in many situations, we would call that a retrofit. After the house has been built for some time, you come and you add photovoltaics. I call it the lost game of Tetris, when you see panels that are staggered and trying to fit them everywhere that they can. And you'll see plumbing vents and attic vents that are, you know, in the middle of the roof. And in the 1980s and '70s, when they were originally built, that was fine, but now people want to put solar panels on their roof, and those are obstacles, and they are lessening the ability to produce, you know, more photovoltaic energy because of those obstacles. So, this is a proposal to add to our Energy Code that would request that three-quarters of the south, east, and west roofs are free, the center portion is free from obstructions, such as plumbing vents. This would allow for homeowners to get more area to produce photovoltaic energy more efficiently, and lower the cost. The more panels that you have that are disassociated with the array, and the more arrays that you have, the higher the cost for photovoltaics. This is very simple. Some people may think that, you know, you have to have a plumbing vent directly above a bathroom or, you know, a kitchen sink, et cetera, but that's not necessarily true. There is the ability to move plumbing vents because of obstacles that may exist, such as beams, air conditioning vents, et cetera. And you can do that so long as you are adhering to the plumbing code, which is that the pipes for the venting have a quarter-inch per foot fall. So, we can easily move the plumbing vents out of the main portions of the roof that we use for photovoltaics. So, the diagram that you're looking at is a typical hipped roof, and this would kind of be an illustration to

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

inform plumbers and contractors and roofers to not penetrate the roof in these areas so the homeowner can apply photovoltaics as efficiently as possible. Next slide, EV-ready equipment. So, the other thing is that...you know, one of the main concerns and one of the main costs and difficulties of adding photovoltaics to a house, besides where you actually put the photovoltaics, is the equipment itself. So, on the exterior portion of typical homes, especially in urban areas, your electric meter is located on the side of the house. That is the most efficient place for you to have photovoltaic equipment. It lessens the cost. And again, this is about lowering the cost and reducing those barriers to entry, and making it more efficient. And also, that increases safety by not having to do funny things with the conduit, and put equipment in less ideal locations. So, what we'd like to propose is that when energy meters and main disconnects for residences are installed on a house, that there is room next to the energy meter, the main disconnect, to add photovoltaic equipment. Incorporated with that would also be a conduit that would allow you to run the wires for the photovoltaics either to the roof itself or into the attic space so that it can easily be routed at a low cost, efficiently, effectively, and safely. So, those are the main portions of my part of the presentation, and I hope that it was clear. And yeah, thank you for the time.

CHAIR KING: Okay, thank you. And if you can hang out a little bit until we get to the questions, that'd be great. Thank you, David. Okay. So, next we're going to move on to part three. And Mati, are you here?

MR. STAMATIOU: I'm here, but I'd like to have Austin speak first and introduce Green Building Hawai'i.

CHAIR KING: Okay. Austin, are you going to do the presentation?

MR. VAN HEUSEN: No, I'd like Mati to present. He was the one who put it together, but I wanted to be here for technical expertise, and just give a quick introduction to Green Building Hawai'i.

CHAIR KING: Okay. We're going to do the presentation first because I want to make sure we get through all the presentations.

MR. VAN HEUSEN: Okay. All right.

CHAIR KING: And then we can circle back to you later. Okay, thanks. Okay. Tell me again...because I think I mispronounced your last name. Tell me again. I should know this because you used to work for us. So what....how do you pronounce...

MR. STAMATIOU: I did used to work with Pacific Biodiesel for a number of years. Stamati Stamatiou. I usually go by Mati just to make things easier.

CHAIR KING: Yeah, Stamatiou.

MR. STAMATIOU: I now work with Green Building Hawai'i with Austin Van Heusen and John Bendon, among others. We have been partly...part of a larger organization, EnergyLogic,

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

September 14, 2022

and they and I are all here to do Code review.

CHAIR KING: So let's go into the part three of the presentation. We've got the slides that...we're all looking at the slide program on our Granicus.

MR. STAMATIOU: Certainly.

CHAIR KING: So we're on the first page.

MR. STAMATIOU: On the first page of the slide, we can see that every three years, a new version of the International Energy Conservation Code has been coming out since 2006. The advances from '06 to '09 and '09 to '12 were very significant, as you see, as it draws us towards our goal of a net zero home as made possible through compliance with the Code. The last change in 2015--you can see how that curve tapers out--was not a very significant change. That was part of the politics of the time, and what was happening internationally. And 2018, the Code that we're discussing now, is equally moderate in the changes that are being proposed. Now, if we want to move on to the next slide, we'll see how in what we're doing with Hawai'i, by moving with the...starting with the International Energy Code, the State of Hawai'i has already made those amendments to it that have largely made it very specific to our climate, to our climate region, which includes only climate region 1, and to some of the things that make our tropical environment very different. We recommend then, as Hawai'i...as the County of Maui moves to adopt the State Code, that we look at the amendments that we've done already, and carrying over those that we've already put the time and energy into, such as the amendment for net zero energy homes for any home that is larger than 5,000 square feet. We also think that working together with other counties together, pooling up is an excellent approach to getting the best results in our Energy Code. So Big Island has largely led the way in the residential work. Honolulu County has...because of their different type of construction style, they have focused more on the commercial. Here, we want to talk about residential, and our position as energy experts in the field of development really wants to look at not just what the code language is, but also what its impacts will be to homeowners in terms of their cost of what projects they want to do. Cost, of course, includes time to developers, and the type of projects that can be developed. This is something that is, I think, especially relevant when we look at multifamily units and affordable housing. And then back on the other side of it, which is what is being inspected by County officials. So, if the code asks for things that's not being inspected, or not part of the training that County officials are looking at, then it really doesn't have a lot of impact. And to all of those parties included, we have to look at permitting time. We currently already have a pretty significant backlog in...from when permits are submitted until approval. And anything that is put into the Code needs to be enforceable. If you look to the blue arrows that are in the icon imagery to the right of my text, you'll see that there are four paths to compliance with the Energy Code. And it's good to take a quick overview on this, just so that we can all kind of be talking from the same place. The tropical zone is something that is definitely specific here to Hawai'i. It allows for homes that are built that will be primarily naturally ventilated, meaning that you are using air conditioning on less than 50 percent of the habitable space of the home, and has special considerations for things like jalousie

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

windows which, while they do provide a great breeze, they don't work well with air conditioned spaces. An air conditioned space needs to have a tight building envelope. Those tropical exemptions allow for homes that are built without a tight envelope, and are largely used here in Hawai'i. Another pathway to getting your certificate of occupancy and permitting approved through Maui is through prescriptive modes. And prescriptive essentially means that you are moving through a checklist that says, yes, my refrigerator is Energy Star, my walls have such insulation, the...all of the factors are being met, and through a checklist type approach. Separately, a home can have an energy model created for it, which is a third way of approaching it. And lastly is the ERI, the energy rating index approach to certifying a home is actually moving towards actual building testing, and includes the other influences of both looking at, designing, working together with architects and builders to make sure that a home is built to be up to the Code level. We can move on to the next slide now. The biggest change in what we would like to see Maui County adopt is the removal of certain language that was in the old Code in Maui County, as well as still currently in the State Code, which is removing the terminology that says, when required by a Code official, permit and certificate will be completed by the builder or registered design professional, and posted on a wall where the furnace is located. And let me just stop there. I won't keep reading this entire slide, but essentially, the State, when it adopted the International Energy Code, went ahead and took the enforcement elements out of any of the building testing, especially for building envelope testing, as well as energy efficiency measures, but...and took that out so that the Counties could add it in at their...at their desire. So, we believe it's very important to add in the language, and in doing so...very easy to do because we can look towards Big Island and see that removing the clause for, at the Code official's discretion, we will now have a permanent certificate that will list things like the insulation R value that's going into the walls and the ceilings, or the U value, which is also for the...similar to the R value, but looking at windows, as far as how fast heat is able to transfer through. Very particular to Hawai'i is the solar heat gain coefficient, is how much heat is allowed to pass through those windows. The certificate would list the types of air conditioning and water heaters, whether it's a solar water heater or if it's exempted from the solar water heater by using other renewable energy methods, such as the hybrid heat pump technique heater. It would also identify those conditioned and unconditioned spaces, which is very important. We'll see in the next slide. And also, it would list all the results from the building envelope testing, which is done through lower door testing. On Big Island, they went the next step, and they really are getting right to the intent of making sure that the addition of mechanical cooling or heating...although we don't have heating, so a lot of the language...I'll just stop myself real fast and just say a lot of the language in the Code, because it was international, does include some things that are not specific to Hawai'i. We don't have a lot of heating equipment. We don't have furnaces. But we believe that Hawaiianizing (*phonetic*) the language will...would perhaps make it shorter and easier to read, but there's no actual gain function by doing that, and so is probably be best to go ahead and leave it. I would say that the additional cooling and heating load would have an adverse effect on health, safety, and conservation consequences. All right. The last thing I want to point out before we move on to the next slide is, the State Energy Code was 13 pages long. The County of Hawai'i Energy Code is more than twice as long, at 27 pages, and they made 184 changes throughout it. So, to try to summarize all of that into a five-minute

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

presentation here would be very challenging. And that's why, as a general statement, I would say that we should adopt the energy code and all of the amendments that Big Island has made as the Maui Energy Code as well. The next slide speaks specifically to the tropical zoning section that I mentioned earlier. This is something that we would like to...like Big Island, we would like to expand the number of homes that are allowed to be eligible for this, so raising the elevation limits for that from 2,400 feet above sea level to 5,000 feet. And the key thing is to stop the abuse for the loophole that is often...you see it in multifamily housing oftentimes where a development is built under the tropical exemption, which means that is a...it is a less stringent enforcement requirements of the insulation in the roof for the...for the building tightness. It would no longer need to....under tropical exemption, does not need to go through any type of envelope testing. And it states that in the tropical exemption that the home would have less than 50 percent air conditioning. So, if someone goes back through, builds their house, and then adds the AC, we would like to see them then be required to have their home be permitted to the standard that would then apply at the time of being built. So, it would have to pass through one of those other mechanisms that we went over earlier in the slide. That seems only fair, and it would stop that loophole. Now, if it was an older home that's being remodeled, and it adds AC that raises above that 50 percent threshold, we believe that it should not be held to the current Code, but to the Code in which it was built. And last slide is to just discuss real quickly about why it's important to have an implementation plan. It is...as has been brought up many times here today, Maui's in need of affordable housing, and we believe that utilizing third-party certification will lessen the load of the County permitting office and the inspectors to ensure that homes are built to a high quality and energy efficient standard without creating a large backlog of work. And so, by utilizing third parties, and making sure they are certified, it would allow this process to keep moving forward while having the best outcome. The buildings that are being passed, they have multiple pathways that they can go through. Those things that are done through a checklist, those are . . . (inaudible). . . mechanisms of passing. And the idea that I really want to believe...that I believe is important here is that if a prescriptive approach, meaning if it can be dictated what type of equipment can be used, it should not ever preempt what an actual performance approach would look at. So, if we can look at the performance of a building, and see that it is meeting the intent of the Code by reducing its energy usage, that should preempt any type of prescriptive things. And that's where we believe that it's important because the more we regulate, we can...we can see unforeseen consequences trying to pick the best methods possible. And so, allowing the flexibility for developers and designers to come up with mechanisms of creating this energy efficient home, as long as we can show that in the...in the energy simulation, in the testing, we believe that would be good. And one of the key differences...just wanted to point out here, once again, is that lower door testing, which is that testing of the building envelope, would be required for all homes, except for those homes that are going into the tropical exemption. That needs to be done by a certified entity, such as a HERS rater, a Building Performance Institute, BPI, commissioning agent, or other engineer we'll find. So, moving through, it isn't just a matter of adopting the Code, but it's really an entire implementation plan of understanding how the Code works, how compliance would happen, looking at the building signs, training both inspectors and builders to be able to build to that quality, to test that quality, and increase the compliance and

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

understanding for all. Thank you, Council. That is all I wanted to present here today.

CHAIR KING: Okay. Thank you, Mati. What I want to do at this point...and I don't know if we have any...Staff, do we have any testifiers who want to testify on this item?

MR. LEAUANAE: There are no testifiers at this time.

CHAIR KING: Okay. Let me just make a last-minute call. If there are any testifiers who want to testify on CARE-67, please unmute yourself and speak up right now. Otherwise, we're going to go ahead and close testimony so we can get into discussion. Okay. I see...I don't see any...or hear anybody who wishes to testify. So, if there's no objections, we'll close testimony and receive written testimony into the record.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR KING: Okay. So ordered. Okay. At this point, now that we've done...is Director Molina on? I'm not sure if he was going to be on at this point. He may not...he may not...oh, there you are. Do you...and no pressure on you, Jordan, but if you have any comments you'd like to make now...because we don't have a bill before us, we're just talking about the information. So, if you have anything...comments you'd like to make at this point, you're welcome to. Otherwise, you can wait until the next meeting where we actually bring a bill to the Committee.

MR. MOLINA: Thank you, Chair. No, I just appreciate a collaboration beyond the taking of this matter. Thank you.

CHAIR KING: Okay. So when we get the bill written up from input from today, we'll send it to you, and then you can comment on that as well.

MR. MOLINA: We would like to be involved in drafting that bill because devil's in the details. So, we'd rather not be in a fight to...against bill versions.

CHAIR KING: Oh, we're...yeah, we are going to be doing that at OCS. So, you know, it would be great to get your input when we draft that bill. So...but you have no comments at this point?

MR. MOLINA: We'll review the proposals with Staff.

CHAIR KING: Okay. And I think...I don't know if Corp. Counsel has any comments. You have any comments? I mean, we don't really have any...a bill to look at for legality at this point, so...okay. Just listening. We'll circle back with you later on. So...and I think we had some comments from Austin. Did you want to make a few comments from Green Building Hawai'i?

MR. VAN HEUSEN: Yeah, I just wanted to let . . . *(inaudible)*. . . is that we've been HERS raters since 2007, so we've been working with these different building performance testing and code requirements. Our parent company is based out of Colorado, which has a very

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

progressive Energy Code that they've been working with for several years. So, I just wanted to give a little background on our company and why we specialize in this. We've also been consulting with the Honolulu County Energy Code Commissioner, Ben Sullivan. So, we've been looking into this pretty in depth for quite some time. So, I just wanted to give you a little background on it.

CHAIR KING: Okay, great. And I think Committee Members may remember that we did work with the City of Boulder when we did the...our benchmarking bill that we passed out of this Committee. So, you know, that was one of the things that came up in our talks about the Energy Code was that 5,000 square foot home requirement. Okay, Members, any questions? We'll go through...we'll start with our Committee Vice-Chair, because I know you have to leave pretty soon, and then we'll move on with...we'll just give like, you know, three to five minutes. I think it's pretty casual at this point. Member...Vice-Chair Sinenci.

VICE-CHAIR SINENCI: Mahalo, Chair. And yeah, I mean, thank you for this presentation and for calling up the resources. I think when I...this came in my Committee the last time, I didn't have all of the great resources that you have today. So, mahalo for that. I'll just make some basic comments. I think if we could...probably for the next time, if we can try and get some of the Hawai'i County revised amendments, as mentioned by some of the presenters. And then my only comment would be now that...with the increased cost of building materials...and I'm getting texts and phone calls from families that want to either renovate their homes right now...but they're being told by developers that, hey, let's wait a couple years down the road, two or three years, to do your building or even do your renovations because of the cost and...of renovating their homes right now. So, I guess my basic question was, is there anything in the Code that we can reduce as far as bringing down those costs when building, particularly, affordable housing? I know that we do have the tropical zone codes that might not address the double-paned windows and the timber framing of a home. So, just some general comments, if there are...if this...I know it's more towards energy, but can we reduce some of the costs, and still keep the structural integrity of our buildings?

CHAIR KING: Let's see. I think...David, do you want to answer that?

MR. SELLERS: Sure. Yeah, and that's something that's a very good point, and that's something that we're very conscious of, and we deal with building costs all the time. You know, when we look at an energy system, it's different than, say, a wall system or flooring. An energy system is something that's going to save you money for the life of that building. So, if we're looking at building new, and we can amortize the cost of an energy system into the cost of the building, it has a very small, you know, percentage of the cost of building. So, we look at it from the standpoint of if we have a house that's, say, off grid or has a battery-based energy system for the Hawai'i County Code in supplying all of its electricity, then we could reduce those costs. We could reduce the windows, the U factor, the SHGC, you know, there's a number of ways that we can do that. Example, in areas of the exterior walls, we can reduce the thickness to a...say, a two-by-four thickness because we don't need the same amount of insulation. Also, in the roof, the same thing, R-19 as opposed to R-30, there's a savings right there

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

automatically. So, there's a number of ways that we can reduce the cost of the building materials, as well as if we have this sort of carrot where we can encourage people to do that, and they can save money on building materials, they're also going to be saving a lot of money on the cost of energy over the life of that building and the life of that energy system. So, that is one of my main points, and one of my main goals. And when we look at small little details, like the location of penetrations through the roof, like plumbing vents, and then having just a little bit of room next to the main disconnect so that energy equipment can be added, we can lower the threshold and the cost for homeowners to add photovoltaics to their house. So again, it...all of the proposals that I've made are really about reducing those costs.

MR. VAN HEUSEN: I'd like to jump in real quick and just say that...I heard you say renovations to homes, Countymember [sic] Sinenci. And the County Code does not apply to renovations unless they're major renovations on homes. So, the current Code, or the new Code, isn't going to affect material costs for any renovations for existing homes. So, we aren't actually applying this to that particular situation. On another note is that we work with a lot of developers, and there are Federal tax breaks or grants that are applied to energy efficient homes. And our Code is pushing us closer to requiring a lot of those requirements...or specifications. And my coworker Kelcey knows a bit more about this, but I believe it's 2,500 to \$5,000 per unit. So, when we're looking at multifamily homes, that is a pretty sizable chunk of money for promoting energy efficiency. So, the Code's pushing us in that direction. Can you confirm that that's what those costs are, Kelcey?

MR. SYKES: Yeah, so it's...for single-family, if it's Energy Star, it's . . .(timer sounds). . . 2,500, and 5,000 for DOEs or energy ready. For multifamily, it's 500 and 1,000 per unit. If the...but if the...if they're paying prevailing wages, then it's 2,500 and 5,000.

CHAIR KING: Okay. Thank you. Member Sinenci, did you get all your questions answered? Okay, great.

VICE-CHAIR SINENCI: Thank you.

CHAIR KING: Thank you so much. And we'll go...I know you have to leave, so thank you for being here. Next meeting, we'll be focusing just on the IECC, and we'll be talking about the actual bill. So...Councilmember Johnson, followed by Chair Lee.

COUNCILMEMBER JOHNSON: Thank you, Chair. Well, this question is from the third presentation that Mati was speaking on. I first want to kind...it's about the third-party certifications. And I first...I figured I'd want to ask Keola Whittaker in regards to the legalities of County using third-party certifications. I...my understanding is, is that Hawai'i County had some problems with it, but Maui County, we allow third-party certifications. And I just want to get clarification on that, Mr. Whittaker.

CHAIR KING: Okay, great. Mr. Whittaker.

MR. WHITTAKER: Thank you for that question. I'm not aware of those legal issues. I'll look into it. The Director may have more information about that. I'll update you at the next

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

September 14, 2022

meeting.

COUNCILMEMBER JOHNSON: Okay. . . .(inaudible). . .

CHAIR KING: Okay. Director Molina. Do you want to ask him to see if he has...

COUNCILMEMBER JOHNSON: Yes, Chair.

CHAIR KING: Director Molina, are you still there?

MR. MOLINA: Yes, Chair.

COUNCILMEMBER JOHNSON: Director Molina, would you like me to ask my question again?

MR. MOLINA: No, I understand it to be relating to third-party certifications. So, I will say that currently, the way we administer the Energy Code is, the reliance is put on the architect to certify compliant. And a large part is just because we don't have the Staff --

COUNCILMEMBER JOHNSON: Right.

MR. MOLINA: -- to do those certifications because that would definitely add to the delays in getting projects approved. But I will note that, you know, with the Net Zero Homes Bill, the way that is structured, that relies on third-party certifications.

CHAIR KING: Right.

COUNCILMEMBER JOHNSON: And how does that work for your Department, Director? That's not a hindrance? It seems to be helping you then. My understanding is if you don't have the Staff to do it, and you're allowing third-party certifications, that's actually helping you streamline it; is that my understanding?

MR. MOLINA: Yeah, it's a valid strategy of getting those...having that oversight mechanism in place.

COUNCILMEMBER JOHNSON: And you're happy with it? Like you're getting the results that you're looking for?

MR. MOLINA: I'll need to look at closely the extent to which we do these certifications, but as far as the Energy Code, you know, we think it's the best mechanism at this time until we get to the point of launching the County as being an Energy Code police and, you know, building that type capacity internally.

COUNCILMEMBER JOHNSON: Okay, fair enough. Thank you, Chair. No further questions.

CHAIR KING: Thank you, Member Johnson. I think that was...on the State level, I think that that was why Hawai'i Energy was created. You know, it's sort of a private nonprofit entity, and it does...you know, they do enforcement to some extent, but they also

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

do...they have a lot of incentive programs. So, they do the energy incentive programs where they'll, you know, give you rebates if you use energy efficient appliances and things like that. And that's...that was sort of created because the State didn't have in-house people to do that. So it's quasi...I think quasi-public...private nonprofit.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

CHAIR KING: Well, let me just get to Chair Lee because I know she has to leave too. So, we'll go next to Chair Lee...your questions.

COUNCILMEMBER LEE: Thank you, Chair King. Just wanted to piggyback on what Member Sinenci asked about because I, too, am concerned about the cost. And, you know, these presentations are mainly narratives. And so, if we could have like some estimated costs, the impacts of these new requirements on new housing, that would be very helpful. And then if there are alternatives. Thank you.

CHAIR KING: Okay. Do you want to speak to that, Austin? And then I'll let...I'll ask David to speak to that.

MR. VAN HEUSEN: Yeah. So, as far as the building performance testing that we are suggesting being required is that homes that get these certifications actually get a tax credit that are...is larger than the cost of our company consulting with them to get the certification. So, it's actually a positive impact on the cost of the homes. The requirements on the SHGC factor and the insulation values are not significant unless the homes are of a large square footage, which homes with large square footages have...should have, you know, cost requirements in there. They should be able and willing to spend the extra money to make their homes efficient to reduce our carbon emissions within the State or within our County. I do want to talk just one second about the third-party inspections.

CHAIR KING: Well, let me hold on that because we're...we really want to address the question.

MR. VAN HEUSEN: Okay.

CHAIR KING: It's not a free for all. But I want to go to David Sellers, and ask him if he can also address Chair Lee's question.

MR. SELLERS: Sure. Definitely cost is a concern, as I mentioned before. The benefits definitely outweigh the costs. The proposals that I'm talking about either have zero cost as opposed...when I'm speaking about where we're going to put the main meter and the main disconnect on the exterior wall, and allowing enough room next to it for the energy equipment, there shouldn't be any cost associated with that. That's typically already there, it's just going to bring to the attention of the contractor and the electrician where they place that, that they don't place it in the middle of, say, a section of exterior wall that's open. And also, allow the architect or the structural engineer that's designing the home, or signing off on the home, to make sure that that's allotted. So, not proposing additional exterior wall. Regarding the conduit to the roof, that would be an extra cost upfront, but the cost would be much less than, say, adding that later. It would have a

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

more, you know, impact to the cost of installing photovoltaics in the future if you had to run more conduit, as opposed to having one in the...in the wall system when the building is built. And when we're talking about that, we're maybe talking about \$50 worth of materials, and maybe \$20 to \$40 worth of labor, so sub \$100 for a conduit to the roof. As far as the plumbing vents, making sure that they're not in the center of the roof, I would also put that in the sub \$100, you know, depending on the amount of plumbing fixtures. You could also allow the plumber to be more strategic and group the vents together, which is what we typically do in a home when we do this originally. So again, several hundred dollars maximum cost to the add of a building, but it would save exponentially on the addition to a...of a photovoltaic system.

CHAIR KING: Okay. Thank you for that. Go ahead, Chair Lee. You're muted. You're muted.

COUNCILMEMBER LEE: Are you a electrical or plumbing contractor?

MR. SELLERS: I'm a licensed architect, and we are energy system designer and installers.

COUNCILMEMBER LEE: Okay.

MR. SELLERS: So we have...yeah.

COUNCILMEMBER LEE: Because it's important for us to know that whomever is installing or constructing whatever the requirements are going to be, understand the full cost. Because maybe what you're...I don't know, maybe what you're talking about...maybe a piece of equipment by itself is one cost, but then to install it is another cost. So, you know, we need to know the whole cost, not just pieces of it.

MR. SELLERS: Certainly.

COUNCILMEMBER LEE: And that's why...that's why it would be nice to have a list...you know, alongside the verbiage, a list of the breakdown of the costs.

MR. SELLERS: Yeah.

COUNCILMEMBER LEE: Then we can understand exactly what you're talking about, and what is affordable, and what is not going to be affordable, or how much the County needs to help to subsidize.

MR. SELLERS: Certainly. So to speak directly to that, the County . . . *(timer sounds)* . . . doesn't need to subsidize. You know, we have Federal and State tax incidents [sic] that would help with that. And also, the...these proposals that I've made come directly in consultation with licensed electricians, electrical contractors, and building...electrical inspectors. And what the electrical inspectors are telling me is that some of the contractors now are already doing this for affordable housing to make it more affordable in the future when the homeowners want to do this. This is an advantage for them to market their homes as well.

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

COUNCILMEMBER LEE: Thank you. Thank you, Chair.

CHAIR KING: Thank you, Chair Lee. And maybe when we get to the bill...to reviewing the actual bill, we can bring in people like Doug Bigley to...to give us some comments on it. Did you have any comments or questions, Member Molina? I thought I saw your hand up.

COUNCILMEMBER MOLINA: Yeah, Madam Chair, just one. Looking at Mr. Weltman's presentation in Granicus, just had one question, which...well, I don't have the page number, but it says, why have an adoption/implementation plan? First bullet point says, Maui is in need of affordable housing. Using third-party certifications lessens the load of County permitting and inspectors, while ensuring homes are built to a high quality and energy efficient standard. So, I guess my question for, I guess, either Mr. Weltman or any of our presenters...and thank you for these presentations. They've been very informative. What are the costs to this type of approach, and how will it help expedite the process, I presume, with regards to permitting and inspecting, by utilizing third-party certifications?

CHAIR KING: Okay. Rob, do you want to take that? And then we can go to...Austin can kind of fill in about the third party.

MR. WELTMAN: Yeah. So I was a very small part of that, and that's the cost of installing an EV charger versus the cost of retrofitting, and there we have the 2020 estimate from California that the cost...back then, it would cost \$2,500 to \$3,000 per charger to install, but if you install it afterwards, it would cost an additional \$7,000 each...so, significantly increased. And of course, the charger...the cost for chargers continues to go down. Mine cost about \$800, and then \$150 for installation.

COUNCILMEMBER MOLINA: Okay. Yeah, Chair...thank you, Mr. Weltman. So, I guess I'm looking at cost in a different way, the...because if we have a third party that does all these inspections and all that, there is a cost to that, right, I mean to the County, instead of having our County inspectors do that? Would that be the case? . . .*(inaudible)*. . . bargaining agreements is probably . . .*(inaudible)*. . .

CHAIR KING: Are you talking about specifically for EVs, or the third-party for the other part...the other parts of the Energy Code?

COUNCILMEMBER MOLINA: Well, this, I guess, relates to the adoption/implementation plan.

CHAIR KING: Of EVs?

COUNCILMEMBER MOLINA: So...yeah.

MR. VAN HEUSEN: So, I think that's more on the subject of our presentation, the third part of the presentation. So, the third-party inspections, the cost falls on the homeowner or contractor. Like I said, the certifications that we're able to provide often outweigh the cost of the testing, so it actually sometimes has a positive cost to the contractor or the

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

homeowner, so not actually coming out of pocket at all. It's more felt on the Federal side. And this is something that's been implemented, you know, all over the United States, where third parties are doing the...we do energy models, code specifications, and then the final building performance testing. And that's implemented all over the United States in all sorts of different...and we...as the third party, we're actually triple reviewed. And so, we have a company that oversees our projects, and then an association that reviews their projects. And so, it's not just somebody going out in a field and creating these reports, it's actually a triple reviewed. And so, it's very quality assurance. And then we provide the documentation to the County permitting office that shows that they meet the requirements, and that the tests have been performed.

COUNCILMEMBER MOLINA: Okay. So it goes...there's just a couple of layers that this has to go through, like you said. Yeah, that was...I was kind of curious about that, if this is just one entity or individual that does this. So, it's sort of like a...well, I don't want to call it a check and balance, but you have other eyes looking at it as well.

MR. VAN HEUSEN: It's exactly a checks and balances. And that's why we specified, at the bottom of that slide, that it be required to be done by an accredited organization. So, there are several different accredited organizations that can provide the testing, but generally it's a HERS rater, which is certification through RESNET, which is a nationally accredited association that provides these services. You can also have a BPI. Rarely do you see a commissioning agent, an engineer, or an architect actually doing these testings, but they are qualified to do them...but I have never seen any of that, which is kind of one of the reasons why architects and engineers stamping off on sets that are not capable of testing the performance, or don't have the tools to do it, it seems like a loophole in the system, in my personal opinion.

COUNCILMEMBER MOLINA: Okay. Well, thank you very much, Mr. Van Heusen. And thank you, Mr. Weltman. And mahalo, Madam Chair.

CHAIR KING: All right. Thank you, Member Molina. And you know, I think too, the kinds of actions that we can take through this environmental code will also encourage more third-party organizations to, you know, get into the industry because, you know, we've seen that with...personally, I've seen it in the biodiesel industry that, you know, we've gone to the State to try to get mandates like they did for ethanol. We haven't been able to get them. And they...and you're in a...you get in a Catch-22 because people say well, why should we do this because you're the only ones doing it, but if you don't give these credits, then you're not going to have more companies jump into the space. And when they...years ago, when they started giving the solar credits, we had something like 100 solar companies at one time in the State of Hawai'i because of the credits because those were available to all the companies. So, you know, now that they're starting to crack...you know, the credits are not as much as they were in the beginning, there's less solar companies that are around. So, I'm confident that...well, I know that Green Building Hawai'i has been around a long time, and I'm confident that other people will probably jump into this space as well. And we have a...I think we have a question or a comment from Member Sugimura.

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

September 14, 2022

COUNCILMEMBER SUGIMURA: Yeah, just quickly. So is there a deadline for this to be...for it to pass?

CHAIR KING: Yes. We have to pass it out of the full Council before that December 15th date --

COUNCILMEMBER SUGIMURA: Okay.

CHAIR KING: -- in order for us to be able make these changes. Otherwise, we have to...it goes back to the State Code.

COUNCILMEMBER SUGIMURA: Okay. All right.

CHAIR KING: So, we plan to make our own changes, kind of like what Hawai'i did, and what City and County of Honolulu did.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR KING: Okay. So anyway, any...if there's no other questions, you know, I think I...the one question I wanted to ask Rob was as...if we're...go ahead with these requirements for EV stubouts and chargers, does this also allow for...does this also allow for somebody to come in...you know, one of my big issues with EVs is, I really want to see them locally owned. I want to see, you know, a system. Because then that keeps that energy...those energy dollars in the State and the County. So, you know, would this allow some entity to come into these buildings and actually maybe be the installer and the operator of EVs that are serving like multifamily units and...you know, not necessarily your plug-in in your garage but, you know, the ones that are in the parking lots and the ones that are in multifamily units, if that...if the HOA doesn't want to operate it. Because a lot of times, that's why they...that's why they become inoperable...because somebody's trying to run it who doesn't know how to operate an EV charger.

MR. WELTMAN: Yeah, I think that will almost always be the case. I can't imagine any...in this day and age, any condo building owner or parking lot owner or apartment building owner who would want to manage it themselves. And it's a specialty, and there are many companies who will do that. So, it would be, I think, most cost efficient and more efficient overall to have another company do it.

CHAIR KING: Okay. So, that was already...that was kind of your thought process when you proposed this? Okay.

MR. WELTMAN: Yes, um-hum.

CHAIR KING: Great. Okay. Well, let's see. Do we have any last comments from any of the Councilmembers or any last questions? If not, I'd like to defer this item, if there's no objections. And then we'll be working on a bill that we'll bring back to the CARE Committee, and we can actually put this into an official format.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused TP)

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

September 14, 2022

CHAIR KING: Okay. No objections to deferring. Okay. We're going to go ahead and defer CARE-67.

ACTION: DEFER PENDING FURTHER DISCUSSION.

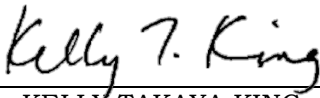
CHAIR KING: And Staff, is there any other...any other business that I've missed?

MS. MILNER: No, Chair. You've addressed everything on the agenda today. Mahalo.

CHAIR KING: Okay, great. Well, it's 11:34, and we're done, Members. We're ready to adjourn. Thank you so much to our presenters. And we'll be working with you on an ongoing basis, and Public Works, and Corp. Counsel on going forward with an actual bill. Thank you, Members. And thank you to all of our testifiers. This meeting is adjourned at 11:34. . . .(gavel). . .

ADJOURN: 11:34 a.m.

APPROVED:



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

care:min:220914:bc

Transcribed by: Brenda Clark

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE MINUTES

Council of the County of Maui

September 14, 2022

CERTIFICATION

I, Brenda Clark, hereby certify that pages 1 through 46 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 20th day of October 2022, in Wailuku, Hawai'i



Brenda Clark