

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

MINUTES

Council Chamber

March 14, 2014

CONVENE: 1:36 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Don S. Guzman, Chair
Councilmember Elle Cochran
Councilmember Stacy Crivello
Councilmember Mike White

NON-VOTING MEMBERS

Councilmember Donald G. Couch, Jr. (arrived at 1:56 p.m.)

EXCUSED: Councilmember Robert Carroll, Vice-Chair
Councilmember Gladys C. Baisa
Councilmember Michael P. Victorino

STAFF: Kimberley Willenbrink, Legislative Analyst
Jordan Molina, Legislative Analyst
Erin Fleming, Legislative Attorney
Pauline Martins, Committee Secretary

Sharon Brooks, Legislative Attorney (sitting in the gallery)

Ella Alcon, Council Aide, Molokai Council Office (via telephone
conference bridge)

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

Dawn Lono, Council Aide, Hana Council Office (via telephone
conference bridge)

Gerald Keoni Enriques, Executive Assistant to Councilmember Guzman
Morris Haole, Executive Assistant to Councilmember Carroll

ADMIN.: Jeff Ueoka, Deputy Corporation Counsel, Department of the Corporation
Counsel
Brienne Savage, Deputy Director, Department of Parks and Recreation
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works
Joseph Alueta, Administrative Planning Officer, Department of Planning

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OTHERS: Sydney Smith
Eve Hogan
M.J. Partin
Cori Takesue
William Jacintho
Bobbie Patnode
Stacey Krenelka
Morris Haole
Hugh Starr
Annette Niles
Dean Otsuki
Suzanne Frazer
Bill Greenleaf
Kevin Lauterbach
Ryden Richardson
Alohilani Rodrigues
Ransom Watanabe
Ko'i Lum
Lucienne de Naie
Tim Lara
Les Potts
McKeen Kessel
Sonya Niess
Lauren Campbell
Betsy Davidson
Brian Zamora
Seanna Yoshioka
Shayla Isaacs
Gina Marzo
Abigail Banggo
Nicole Schroeter
Megan King
Kurt Miller
Teak McAfee
Plus (5) other people

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR GUZMAN: ...*(gavel)*... Good afternoon. The meeting of the Economic Development, Energy, Agriculture, and Recreation Committee will now come to order. The time is 1:37 p.m.

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on March 14, 2014. I'm Don Guzman, I'm the Chair of the Committee. Before we begin I'd like to ask everyone to turn off their cell phones or at least put it in silence mode. I'm going to go ahead and start out with our Members that are present here today, starting with Councilmember Stacy Crivello.

COUNCILMEMBER CRIVELLO: Good afternoon, Chair.

CHAIR GUZMAN: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha. Good afternoon, Chair.

CHAIR GUZMAN: And Councilmember Mike White.

COUNCILMEMBER WHITE: Aloha, Chair.

CHAIR GUZMAN: I'd also like to introduce our member from the Administrative side which would be Deputy Corporation Counsel Jeff Ueoka.

MR. UEOKA: Good afternoon, Chair.

CHAIR GUZMAN: Thank you. And our Committee Staff, Legislative Analyst Kimberley Willenbrink.

MS. WILLENBRINK: Good afternoon.

CHAIR GUZMAN: Legislative Analyst Jordan Molina, and Erin Fleming, our Legislative Attorney. And our Secretary Pauline Martins. Thank you. I'm going to go ahead and check in with our neighbor District Offices. And starting off with Hana District Office, Dawn Lono, are you there? Good afternoon.

MS. LONO: Good afternoon, Chair. This is Dawn Lono at the Hana Office.

CHAIR GUZMAN: Thank you. And in Lanai District Office, Denise Fernandez, good afternoon.

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai.

CHAIR GUZMAN: Great. And then on Molokai District Office, Ella Alcon, good afternoon.

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai.

CHAIR GUZMAN: Great. Glad to hear you guys and for you to be present. As a few public testimony notes, if you want to testify please sign up at the, in the lobby area on the eighth floor. As well as testimony shall be limited to today's agenda, and according to the Council Rules you'll have

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three minutes to testify with one minute to conclude. And when you approach the podium, please state your name for the record and the name of the organization in which you represent. Ms. Willenbrink, can you please call the first testifier.

MS. WILLENBRINK: Yes, Chair. Sydney Smith.

CHAIR GUZMAN: And if you could also state which item on the agenda you'll be testifying for.

... BEGIN PUBLIC TESTIMONY ...

MS. SMITH: All right. Aloha. My name is Sydney Smith, I'm the president of the Maui Coffee Association, I'm also the owner of Maliko Estate Coffee Farm in Makawao, and I'm here to testify in support of EAR-13. I'm here speaking on behalf of the Maui Coffee Association and myself. One of the favorite things I do when I go to the mainland is travel the country roads and the back highways. I like to get off the beaten track. In every state I've been in, there's lots of farmers markets and there's lots of vegetable stands and fruit stands all over this country, and you could stop and taste the local berries, the cherries, the watermelons, taste apples of every color, you know, all under one roof. And in the South there's bags of peanuts and you have a choice of salted, unsalted, dark, semi-dark, you got dark roasted, boiled, and in one place I bought homemade pralines that were made with fresh pecans and a strange little whittled contraption called a gee-haw whimmydiddle. And this place had a selection of locally made carvings, furniture, duck decoys, all made by local craftsmen and it was right side-by-side with barbecued ribs on an open grill and cold hard cider and fresh peaches from one of the local farms. But State law here in Hawaii restricted our farmers here from having enterprises like this. If you wanted to sell a product from a neighboring farm, you had to undertake the costly and complicated Special Use process, Permit process. But in 2012 in an effort to encourage agriculture and sustainability our State legislators passed Senate Bill 2375. That bill allows farmers to sell the products produced by neighboring farms within the State of Hawaii, and this ordinance EAR-13 brings our County into accord with the new State law. It's also groundbreaking because this is the first time at least in my memory that the Council asked the community to help draft the ordinance. Usually we find out about something that's coming before the Council that will drastically affect our lives and we have to race down here to fight it and explain to you guys why this is such a terrible idea. By coming to the community first I'm very hopeful that this can be adopted smoothly and without any drama. Councilman Don Guzman, Chair of the agriculture committee gathered working farmers together to draft this ordinance. I represented the coffee growers and the roasters who live, work, grow, and roast coffee here in Maui County. Councilman Don Guzman and his staff, members of the Arakawa Administration, leaders of other commodity groups and community organizations with agriculture interests joined together and we worked through the ordinance word by word. A couple of times we got distracted but Councilman Guzman kept us focused and got us through it. Thank you. I feel very proud of this collaborative effort. I know my coffee farmers and roasters will be able to utilize this right away. By allowing farmers to sell each other's products we can

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spend more time growing our coffee and share the work of selling it. We can bring avocados from across the street, lilikoi butter from down the street, and it's a win-win for farmers, for Maui County, and for all those visitors who might want to take a drive in the country. Thank you.

CHAIR GUZMAN: Thank you, Sydney. Thank you for all your work on the committee as well. Members, do you have any follow-up questions for Ms. Smith? Thank you so much, Sydney.

MS. SMITH: Thank you.

MS. WILLENBRINK: Our next testifier is Eve Hogan, followed by M.J. Partin.

MS. HOGAN: Good afternoon, Council. Thank you. My name is Eve Hogan and I'm the owner of The Sacred Garden, an agricultural retail structure and peace garden, and Eve's Forbidden Fruit Stand in Makawao. I also own the adjacent property which houses Hoolau Nursery, a wholesale organic veggie start and ornamental nursery. I am a member of the Coffee Association and the Flower Growers Association, and I'm testifying as a landowner, a philanthropist, and a farmer in favor of EAR-13. First, previously a farmer was only allowed to sell produce from his or her own farm. This meant that I could not sell coffee from the farm across the street or seasonal fruit from my neighbors' farms. Even worse, legally, I could not sell fruits and vegetables from our wholesale nursery at our retail farm stand because although adjacent, they were two different tax map keys. EAR-13 would allow farmers to provide year-round produce from the islands rather than just their own seasonal fruits and vegetables, better supporting farmers and the community year around. Secondly, as an example of the value of EAR-13, The Sacred Garden is a nonprofit organization open to the public seven days a week, displaying and selling ornamental plants and providing a place of safety in nature where people can pray, meditate, journal or have a picnic. People come to us to grieve, celebrate, resolve problems, and rejuvenate, as well as to get ideas and products for sacred gardens of their own. This is a sacred and spiritual place. As you know, while Maui is full of beautiful places in nature, a safe place in nature where a woman or the elderly can go to let down their guard, close their eyes and be alone is hard to find, especially now. The Sacred Garden provides this place; however, we do not charge an entrance fee. We don't fit under the normal categories of agriculture. We sell plants but 50 percent of our clientele are tourists and cannot take plants home. In order to continue providing these services to the community, we have to be empowered to sell additional value added products to monetize this service. The cost of time and money to do a Special Use Permit in order to legally give to the community is overwhelming. In addition, the chef for Maui Vegan Soups lives on my land where he grows herbs and veggies for his soups. He has a commercial kitchen elsewhere and we would like to be able to offer his salads, wraps, and jars of soup at The Sacred Garden as an additional service to the community, allowing them to taste the delicious creations of combining Maui's local organic produce. EAR-13 would allow us this ability. I urge you to pass EAR-13 to make it possible to legally do good things in this community with ease and grace. Thank you.

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CHAIR GUZMAN: Thank you much . . . (*clears throat*) . . . gosh, Ms. Hogan. And must add that thank you so much for serving on the agriculture committee as well.

MS. HOGAN: My pleasure. Thank you.

CHAIR GUZMAN: Members, do you have any follow-up questions? Seeing none, thank you.

MS. HOGAN: Okay, thank you.

MS. WILLENBRINK: Our next testifier is M.J. Partin, followed by William Jacintho.

MR. PARTIN: Good afternoon, Mr. Chair, Council members, and Staff, and aloha. My name is M.J. Partin, I own Maui Jo Coffee Company in Upcountry, Maui. I am a grower and roaster and also a member of the Maui Coffee Association. In fact, I am seed to cup. I have 680 trees on two acres. I pick it, I dry it, I mill it, I roast it, I bag it, I ship it. I even grind it, brew it, and serve it at the Makawao Farmers Market. Am I wrong? Okay. I have never testified before Council before this day. Honestly, I never thought it would do any good and haven't felt that our elected officials were really looking out for our best interests as farmers. It seems like we hear a new regulation, more water restrictions, a new tax, or something is piled onto us nearly on a weekly basis. But I was really surprised to learn that this change to the Maui County Code, EAR-13 was something drafted to help us, which I am in support of EAR-13. I am still a little skeptical since it hasn't passed yet, but really, if you guys actually did something to help us, thank you very much. I cannot...I can sell not only my coffee but my fellow coffee farmers' farm, fellow coffee farmers' coffee on my farm on Omaopio Road. Or one of my neighbors can sell my coffee for me. That's great news. I love selling my coffee to people but sometimes I don't have enough or I'm between harvests. This will make it worth building a coffee stand and/or working with another farmer who has a better location. Maybe it's a new day for farming. With all the talk about Hawaii food sustainability and security, it's nice to see some legislation that supports the farmer. M.J. Partin, Maui Jo Coffee Company.

CHAIR GUZMAN: Thank you so much, Mr. Partin. Is there any follow-up questions from the Members? Seeing none, thank you very much for your testimony.

MR. PARTIN: Thank you for your time.

CHAIR GUZMAN: Just as a side note, I'd like to recognize the excused Members for today's meeting. Councilmember Bob Carroll, Chair Gladys Baisa, as well as Mike Victorino, all excused. Also representing the Department of Parks and Recreation is Deputy Director Brianne Savage who's in the gallery. Thank you for being here today. I'm going to go ahead and check in with our District Office to see if, Offices to see if there's any persons that are wishing to testify. In Hana District Office, Ms. Lono, is there anyone wishing to testify?

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MS. LONO: There is no one waiting to testify at the Hana Office.

CHAIR GUZMAN: Thank you. Ms. Fernandez from Lanai District Office, is there anyone wishing to testify?

MS. FERNANDEZ: Yes. We currently have one testifier and that is Dr. Cori Takesue and she is testifying on EAR-36.

CHAIR GUZMAN: You may proceed. And please state your name for the record.

MS. TAKESUE: Hi. My name is Dr. Cori Takesue. I'm new to the community here at Lanai but I currently work at Lanai Community Health Center as a psychologist. I am also here on behalf of not only of myself but of my supervisor who is Dr. Serenity Chambers. She's also a psychologist at the health center. She's actually asking me to come and represent on her behalf as well because she is currently on Oahu right now and can't be here today. She is currently the tobacco cessation specialist at our health center as we are a smoke-free facility and we're encouraging people to quit smoking. But I'm speaking on behalf of the EAR-36 because, you know, I am in full support of stopping tobacco use in County parks, the beaches because of the secondary effects of secondhand smoke, especially to not only to the community but especially to the keiki who frequent the beaches. As we all know that there's been research that secondhand smoke can increase health difficulties in individuals, and so one aspect is to promote better health by cutting out the public use of tobacco. The other aspect is, you know, as a frequent user of the beach and the parks myself, you know, it's frustrating to see the litter damage that occurs at, in these public places of smoking butts. And there's some known statistics that these, the products in these butts that are left from cigarette smoking are, they're not biodegradable and they're actually they still have harmful toxins in them which can also impact the animals in the water and then of course the littering of the beaches and the parks. So I'm just here trying to represent kind of myself and our facility as we're wanting to promote tobacco cessation in individuals on Lanai. That's all.

CHAIR GUZMAN: Okay, thank you very much for your testimony. Is there any other persons wishing to testify, Ms. Fernandez?

MS. FERNANDEZ: There is no one waiting to testify here on Lanai.

CHAIR GUZMAN: Okay, very good. Thank you. And Ms. Alcon from Molokai, is there anyone wishing to testify?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR GUZMAN: Thank you very much. Ms. Willenbrink, can you call the next testifier from the Chambers.

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MS. WILLENBRINK: Yes, Chair. Our next testifier is William Jacintho, followed by Bobbie Patnode.

MR. JACINTHO: Good afternoon, Maui County Council members. I am William Jacintho, president of the Maui Cattlemen's Association. The Maui Cattlemen's Association is in favor and supports the adoption of EAR-13 pertaining to roadside stands. Although ranchers may not be directly considered farmers of produce that would be sold at roadside stands, there are ranchers who own property that are leased to various agriculture producers who are interested or are presently involved in selling their products at their roadside stands. Several other ranchers, as well as myself have been involved with the ag group of drafting this bill. Many hours went into discussions of what if this and what about that, and we feel it has been thought out carefully as well as communicated with those we knew of directly involved in roadside stand sales. This bill will benefit ag producers, landowners, and various County departments. As we've said before, we are supportive of positive actions that assist with moving agriculture forward. Thank you for the opportunity to testify on EAR-13. The Maui Cattlemen's Association is a nonprofit organization representing small and large livestock producers in Maui County. You may reach the Maui Cattlemen's Association through the addresses provided above. Thank you.

CHAIR GUZMAN: Thank you, Mr. Jacintho. Is there any follow-up questions for the testifier? Seeing none, thank you for your service on the Ag Working Group.

MR. JACINTHO: Thank you, it's our pleasure.

MS. WILLENBRINK: Our next testifier Bobbie Patnode, followed by Stacey Krenelka.

MS. PATNODE: Aloha. My name is Bobbie Patnode and I am here in support of EAR-13. I am a member of the Agriculture Working Group which was formed last summer to provide Councilmember Don Guzman input from the agriculture community. This group consists of about 20 farmers and ranchers who also represent other agricultural-related groups including Maui County Farm Bureau, Maui Farmers Union, Maui Cattlemen's Association, and Maui Coffee Growers. I have had the privilege of acting as one of the moderators of the Ag Working Group for several months. The first issue the ag group addressed was EAR-13. The intent was to amend Maui Code to match the Hawaii State law. We discussed and worked on creating a bill over the course of three months. We went to discuss with the stands we know. We invited farm stand owners to come to our meeting and discuss, as we wanted to ensure they were included in the process. We are not law writers, we are farmers. Our goal was to ensure that the concerns of farmers and ranchers were addressed as the bill was written. There are some parts of the bill I'd like to highlight. First, this bill brings Maui County up to date with Hawaii State law. Next, the group is in favor of expanding what can be sold at a farm stand to include products grown in the State of Hawaii, not just Maui County. This enables farmers to increase revenue by expanding their offerings, and continuing to fill orders for restaurants and hotels when Maui crops are low. While we are in favor of selling all Hawaii grown, we also want to ensure that farm stand operators comply with this and do not bring in outside produce and claim it is grown in Hawaii.

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Hence the requirement to register large farm stands. We do not want to add to the paperwork that farmers are required to process; therefore, we are in favor of a simple registration process, preferably online. We do not want to impact the very small roadside stands that are a positive characteristic of Maui's roads and ag neighborhoods; therefore, the registration requirement is only for stands over 300 square feet. This bill amends what is allowed in Agriculture Zone. We felt it was important that a lessee have a lease for a minimum of five years so to discourage anyone who is not serious about agriculture and farming, and only sees this as an opportunity to run a farm stand. The last time our group worked on this bill was last September at which point we believed we had communicated our concerns and preferences to the best of our ability. Council and Admin staff have been working on it since. In my opinion, the current form of the bill includes our major concerns and looks like a better bill, so the ensuing months were well spent. Please vote to send this to the Planning Commissions. Thank you.

CHAIR GUZMAN: Thank you, Bobbie. And thank you for your diligent service on the Ag Working Group.

MS. PATNODE: You're welcome.

CHAIR GUZMAN: Members, do you have any further questions to follow up?

COUNCILMEMBER COCHRAN: Chair?

CHAIR GUZMAN: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And thank you, Chair and the Working Group, for all their time and efforts on this particular measure, and very excited to see it move to this point. But I was looking back on some testimony in regards to a Mr. _____ from our Hawaii Department of Ag Commodities Branch, and I was...and his I guess concern at the time was the...and I know we've been wanting to, you know, align this with the State law. And it opens up markets from other parts of the State which, you know, but he was saying how, looking at it in a negative light where it would put less focus I guess on our own County, you know, Maui made, Maui grown products if we start. So I don't know, was that discussed in your Working Group?

MS. PATNODE: Yes, it was discussed, and the group actually felt that the benefit of being able to sell anything grown in the State of Hawaii outweighed the disadvantage of not just doing exclusively Maui grown. So we did talk about that.

COUNCILMEMBER COCHRAN: Okay.

CHAIR GUZMAN: And in fact we invited Mr. _____ to attend one of our meetings --

COUNCILMEMBER COCHRAN: Okay.

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CHAIR GUZMAN: --and we discussed intensely about his issues and took another four meetings to work it out.

COUNCILMEMBER COCHRAN: Okay.

CHAIR GUZMAN: So...

COUNCILMEMBER COCHRAN: All right. Okay. Well good, that's, answers my question then that yes, it has been discussed --

CHAIR GUZMAN: Okay.

COUNCILMEMBER COCHRAN: --several times. Thank you for your time again.

MS. PATNODE: Okay.

CHAIR GUZMAN: Thank you. Next testifier please.

MS. WILLENBRINK: Stacey Krenelka, followed by Morris Haole.

MS. KRENELKA: Thank you, Council members, for allowing me to testify today on EAR-36. My name is Stacey Krenelka. I'm a licensed clinical social worker and a tobacco treatment specialist trained by Mayo Clinic. I'm in private practice now but before that I worked at Malama I Ke Ola Health Center for 14 years where I witnessed daily the health consequences of tobacco addiction. I believe there's a lot of reasons that our parks and beaches need to be smoke free. First, secondhand smoke is not only unpleasant to encounter in the outdoors, it exposes both children and adults to hazardous chemicals. Second, cigarette butts are everywhere in the parks and on the beach. It spoils the natural beauty of our parks, and it's not good for tourism which so many of us depend on. And the chemical-infused butts are bad for the ocean and for its inhabitants, and also for any dogs that might be eating cigarette butts like mine. The most important reason though to keep our parks and our beaches smoke free is that any time spent away from tobacco is one less cigarette smoked by those who are currently using tobacco products. Less use of tobacco may contribute to an easier time making a quit attempt. Clients trying to quit smoking are often advised to spend time in places where smoking is not allowed such as the movies. It would be great if this could be extended to our parks and beaches so that they could go to the beach and have a day where nobody's smoking and they're not tempted to relapse into smoking. It's also possible that, I don't have statistics on this but I would wager that the initiation of smoking of adolescents happens at our parks and beaches many times where there's a little bit less supervision. And it would be great for parents to know that when they send their kids, when their teenagers go out to the beach or to the parks, that they're not going to be exposed to smoking and possibly pick it up themselves since I think 90 percent of smoking is

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initiated during adolescence, early adolescence. Please consider making our parks and beaches smoke free so that we can all enjoy good health and the beauty of Maui. Thank you.

CHAIR GUZMAN: Thank you. Members, any follow-up questions for the testifier? Seeing none, thank you very much. Can you please call the next testifier.

MS. WILLENBRINK: Morris Haole, followed by Hugh Starr.

MR. HAOLE: Afternoon, Council members. My name is Morris Haole and I'm speaking on behalf of EAR-34, renaming the Eddie Tam Complex Field Six to the William "Blee" Amoral Sr. Field. Mr. Amoral--I just want to give you guys the background--was a remarkable man, a very, very giving individual who was always with us kids. I remember him when I was small and he was such a strong advocate for us kids being healthy through sports, and he was a County employee for many years. I think that man only worked for the County and the Department of Parks and Recreation. He was also part of the old Upcountry Recreation Council, and some of you may remember those were the guys that wore green shirts all the time and they were the patrons and sponsors of the old 4th of July parade. Anyway, Mr. Amoral was just one of those people, he gave selflessly to all of his endeavors. He was very active in St. Joseph Church, a great husband and father and grandfather, and a great volunteer. He was an excellent example of a fine human being, and I can't think of any other better way to honor this man's memory by naming one of those fields after him that he took such good care of when he was around. He did pass away a few years ago, and I did call the Amoral family, unfortunately they're all busy, they couldn't come down today. But they will be in the next time this comes up for second, first and final reading. And I just want to say that he has four children, Carlene who is my age and Karl, William Jr. and Marian who's a teacher, and Mrs. Amoral, her name is Helen and she's still alive in Makawao. And Mr. Amoral was also a veteran and he is buried in Makawao Veteran Cemetery. And again, just a fine example of a person, really and truly. Thank you.

CHAIR GUZMAN: Thank you very much, Mr. Haole. I have a few questions...just I guess one question. Is the Makawao community in support of renaming Field No. Six?

MR. HAOLE: Yes. Oh, yeah, overwhelmingly, because everybody, all of the old-timers remember him and how hard he worked and all of the different projects that he took up. So very much so in favor of, you know, honoring his memory by naming it after him. You know I don't think you'll have any opposition.

CHAIR GUZMAN: Thank you. Any follow-up questions by the Members? Seeing none, thank you very much.

MR. HAOLE: Thanks.

MS. WILLENBRINK: Hugh Starr, followed by Annette Niles.

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MR. STARR: Aloha, Chair Guzman, Council members, Staff. My name is Hugh Starr. And I am a, well I'm a land use consultant, have been so for many decades, and my family also has a small diversified farm up in Olinda. We are growing deciduous fruits and native and endemic Hawaiian plants and citrus. I am testifying in support of EAR-13. I think that as has been previously stated, this proposed amendment to the ag ordinance will bring us, the County, into alignment with recently adopted State statutes, and just on a sort of a more, sort of an informal basis, I think that it reflects the changing nature of agriculture in Maui County. It's becoming more diversified, more local, smaller scale, and I think that this will accommodate that quite nicely with respect to communities, the tourism industry, and the agricultural industry. So thank you very much. And I recommend adoption of it.

CHAIR GUZMAN: Thank you very much, Mr. Starr. And also thank you for your service on the Ag Working Group.

MR. STARR: You're welcome.

CHAIR GUZMAN: Members, do you have any further questions, follow-ups? Seeing none, thank you very much. Next testifier.

MS. WILLENBRINK: Annette Niles, followed by Dean Otsuki.

MS. NILES: Hi, good afternoon. My name is Annette Niles. I'm here to testify on the EAR-13. I'm in support of our bill. It's a great, great bill, you know, to have it pass because we have such a, you know, a great thing here where we all worked on it very hard, you know, working with Don, working with our group. I have never worked on a group that really could get things together. You know we would either be fighting but Don he ducked some bullets from us and, you know, but it came together, you know, tremendously. We have never had a great person to work with as we have with Don. And also for the Mayor for sending his employees to work with us so we're on the same, you know, kind of on the same page of what we're doing and working together. And I would just like to say, Elle, on the comment of outside of Maui, yeah, I've worked with a lot of the farmers and on the, on their roadside stand, and this one farmer had to send, he would send his fruits over to Oahu and would be processed and this guy over there would make cream cheese out of it and then send it out back here. But because it was in Oahu done they couldn't sell it and this was the most delicious cream cheese there were from this farm, okay, because using the fruits from Maui, went there and came back to Maui. So that's, you know, I just wanted to kind of clarify about being outside of Maui. You know what I mean? But anyway thank you very much. That's all I gotta say. And thank you to our group because we have one great, great group here. Thank you.

CHAIR GUZMAN: Thank you so much, Annette. And also thank you for serving on the Ag Working Group.

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MS. NILES: Thank you. Thank you. My pleasure.

CHAIR GUZMAN: It's been a pleasure.

MS. NILES: My pleasure.

CHAIR GUZMAN: Members, any follow-up questions? Okay, seeing none, I...just a clarification what Annette was talking about. Built into the ordinance is a value added definition that would allow products from Maui to have value added into it and still . . . (*inaudible*) . . .

MS. NILES: Oh, and I'm sorry. I'm one of them. I have added value products. I mean I have a ranch, a farm of tea, and I do added value products so that's all of me, too. You know and thank you very much.

CHAIR GUZMAN: And she was also the, one of the nominees for the Hawaii...oh no, Maui Commerce Award.

MS. NILES: Yeah.

CHAIR GUZMAN: Business Commerce Award. Thank you.

MS. NILES: Thank you very much. Thank you.

MS. WILLENBRINK: Dean Otsuki, followed by Suzanne Frazer.

MR. OTSUKI: Aloha, Chair Guzman and members of the Economic Development, Energy, Agriculture, and Recreation Committee. My name is Dean Otsuki and I'm in strong support of EAR-36 in which we'll ban tobacco use in all parks on Maui, Hawaii. And I feel that the public's health would be better served to have all Maui parks tobacco free. More people do not smoke cigarettes and should have the right to breath clean air and not be subjected to toxic cigarette smoke. Secondhand smoke releases over 250 toxic chemicals and more than 50 of them are known to cause cancer. Cigarette butts can smolder up to three hours and release dangerous and toxic chemicals into the air. Cigarette butts can fatally harm young children and that...when they have ingested one or two butts, and marine life have been found dead after ingesting butts. Toxic chemicals leach out of the cigarette butts within an hour of being in contact with the water. I feel that smoking bans encourages smokers to quit. One of my friends told me that after the 2006 Statewide smoking ban came into effect, it helped her quit smoking because it was too much of a hassle to find a place to smoke. This was a person that smoked cigarettes for 30 years. She said she hardly ever catches colds these days and has much more energy. This was an unexpected gift to her. The banning of smoking on all beaches and parks could help people quit smoking, become healthier individuals, and which would reduce medical bills and possibly prolong their

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lives. Cigarette butts also degrade the beauty of the beach and are the most littered plastic item collected at beach cleanups around the world and Hawaii is no different. Volunteers from the Hawaii's 2011 Get the Drift and Bag It beach cleanups which is part of the international coastal cleanup collected over 67,000 cigarette butts which was over 3 times as much as the second-most collected item, plastic caps and lids which was just over 20,000. Banning smoking at beaches would drastically reduce the amount of butt litter. For the good health of our children, adults, and marine life, smoking at beaches needs to be banned. Thank you for allowing me to provide testimony in strong support of this bill.

CHAIR GUZMAN: Thank you very much. Is there any further questions? Seeing none, thank you very much for your testimony. If you can call the next testifier.

MS. WILLENBRINK: Suzanne Frazer, followed by Bill Greenleaf.

MS. FRAZER: Good afternoon, Councilmember Guzman and Council members. Oh, sorry...I'm just gonna start again. Good afternoon, Chair Guzman and Council members. My name is Suzanne Frazer and I'm one of the cofounders and the vice-president of Beach Environmental Awareness Campaign Hawaii or BEACH for short, and we're all an all-volunteer nonprofit that brings awareness and solutions to marine debris on beaches in Hawaii. We do that through environmental education, marine debris removal and research, and plastic reduction and litter prevention campaigns. And we have members throughout Hawaii. And we're very pleased to be here today to strongly support EAR-36 which will prohibit tobacco use at all Maui County beaches and parks. This is a very important piece of legislation for both public health and the environment, and I want to thank Chair Guzman for introducing this important legislation. Smoking is a health issue in regards to secondhand smoke and is also a health issue for young children who can die or become poisoned from the ingestion of cigarette butts. Also, toxic chemicals from cigarette butts leach into the ocean within an hour of contact with water. Fish have been found to die from chemicals leaching out of cigarette butts, and cyanide...sorry, hydrogen cyanide, arsenic, and formaldehyde are just some of the up to 4,000 dangerous chemicals that are in used cigarette butts that litter beaches. Cigarette butts aren't just any litter and this is not just an aesthetic problem, one concerning dirty beaches, cigarette butts are dangerous toxic litter that are harmful to young children, fish, and other marine life that ingest them. Also, butts can smolder up to three hours when they are dropped and still lit, and no other plastic item littered on beaches releases toxic smoke. Cigarette butts are the number one most-littered item on beaches, and plastic does not biodegrade, it does not have a timeline for disappearing, plastic lasts forever. When plastic gets into the ocean, it accumulates additional poisons such as dioxins and other persistent organic pollutants. Fish, whales, sea turtles, sea birds, and other marine life are ingesting plastic in the ocean, and we need to do everything we can to reduce the plastic litter on beaches and in the ocean in order to save marine life as butts can and do wash into the ocean. And I've got some photographs here if there's anyone who could hand these out for me that show butts last year and this year. ...*(hands over photographs)*... Thank you. And we've tried all different things to reduce cigarette butt litter

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on beaches, and originally we found over 5,000 butts at Sandy Beach back in '07, we cut it down to 2,500 through various education, and then last year there was 1,800 butts on Sandy Beach. On the second page, you can see that we went to other beaches last year and found barely 100 butts on some of those beaches. So --

MS. WILLENBRINK: Three minutes.

MS. FRAZER: --mostly it's lots of butts and now it's down to just a few after the new smoke-free beach law there. So smoking needs to be banned at all beaches in order to protect the health of all residents and visitors as well as marine life. Thank you for this opportunity to testify here today on behalf of BEACH in strong support of this proposed bill.

CHAIR GUZMAN: Thank you, Ms. Fra...Frazer, sorry. Members, any follow-up questions? Seeing none, thank you for your testimony.

MS. FRAZER: Thank you.

CHAIR GUZMAN: I'd like to recognize the presence of Don, Member Don Couch. I'm gonna say a shout-out, hello.

MS. WILLENBRINK: Bill Greenleaf, followed by Kevin Lauterbach.

MR. GREENLEAF: Good afternoon, Chair. Council members, aloha. My name is Bill Greenleaf. I'm the president of the Maui Farmers Union and a partner in Greenleaf Farm. Councilmember Couch formed an Ag Working Group in the summer of 2013. He asked about 18 of us.

UNIDENTIFIED SPEAKER: Guzman.

MR. GREENLEAF: Oh, Guzman. Sorry. I was looking at you. Okay, I'll start again. Councilmember Guzman formed an Ag Working Group and asked about 18 of us to join him in his working group, and there was, there were about 3 members of the Farm Bureau, 2 members of Farmers Union. We had ranchers, we had flower farmers, beekeepers, nursery owners, and two members of the Mayor's staff. The charge was to begin to look at ag concerns that were going to become ordinances or legislation prior to and adding the wisdom of the group that had so much experience with agriculture to bring forward bills that were going to not cause a lot of distress in the agricultural community. And what seemed like a fairly simple process on the surface really became quite complex as all the different viewpoints and wisdom came to the surface. We began with one meeting a month, a three-hour meeting, and after about two meetings when we started really looking at the depth of our conversations about EAR-13, we switched to meetings every other week. So it really showed...and it was an unanimous vote, there was nobody that even dissented. The commitment of the group was amazing. EAR-13 was basically a bill that looked simple because the State had already passed a bill and we just needed

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to create an ordinance so that Maui would be able to operate under the same terms. It did take quite a while and I'm really proud of the outcome as I know the rest of the group are. It's...agriculturally designated lands are commercial by nature. Creating pathways for farmers to produce income on the land they work on 12-plus hours a day is the kind of opportunity that honors the intrinsic and real values derived from a healthy ag community. Those values extend beyond the Maui community, encompass the tourism industry as it's a known fact that today's travelers highly value local food and an on-farm experience. So EAR-13 is going to allow the farmers to be on the farm more. It's going to allow them to make more income from the farm, and it's going to...I think ultimately Maui is going to become a destination where tourism is as highly prized as it is in the famous places in France and Italy and Napa Valley. I hold that vision close to my heart.

MS. WILLENBRINK: Three minutes.

MR. GREENLEAF: Finally, I...thank you. Finally, I'd like to thank Councilman Guzman for being there so many nights so late, and he's...all 18 of us have come together as a group but more than that we really understand more deeply the legislative process. And it's an honor and a commitment that we all take with our whole hearts. Thank you.

CHAIR GUZMAN: Thank you, Mr. Greenleaf. Thank you also for your sincere and dedicated service on the Ag Working Group. Thank you. Any further questions for the testifier? Seeing none...

MS. WILLENBRINK: Kevin Lauterbach, followed by Ryden Richardson.

MR. LAUTERBACH: Aloha. My name is Kevin Lauterbach. I'm a...

CHAIR GUZMAN: Can you get closer to the mic, please? Thank you.

MR. LAUTERBACH: I think I was using metric instead of the inches up here. Hi, everybody. My name is Kevin Lauterbach. I'm the STEM teacher at Hui Malama Learning Center, the green building just above the hospital. I've started working there this past fall. Sort of, I'm an accidental teacher here on Maui. My background actually is in environmental science where that was sort of my passion and all of a sudden I find out that I can have a job where I get to work with the kids here that need help and get to teach in the Mr. Miyagi style of education. One of the ways that we really learn about what's going on in the environment is we're out there actually doing the cleanups and picking up trash. We've been at Kehoni which other people sometimes call Round Table but we've all learned the real name is Kehoni. We've picked up trash at the beach and we've seen the plastic and we've seen the cigarette butts, and recently we actually just saw a piece of a boat from Japan wash up on shore. And we see this and they realize what's happening. I tell a story about when I went to the south in the '70s to visit my kinfolk. They used to throw the trash in the river, when the rain would come, it would just go away. These ideas are changing and evolving, and it, when we started coming up with ideas of

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how we really can prevent this sort of trash from ending up, I mean the negative effects are obvious to everyone. Cigarettes are full of nicotine. As I teach the kids, nicotine was designed by plants to keep bugs from biting them, it's a poison, so the, all of this stuff kind of just ties together. When we start reducing our, the impact on the beaches and we start actually cleaning this up, we'll see our job become a lot easier. After this I'm going to have a few of my students to come up and talk about the work that they do, and I have to say when we first started doing beach cleanups, it was sort of a little bit rough on 'em. When they start seeing when we go back to those beaches that they're not dirty, that the stuff that we are doing is actually making an improvement, it makes them enthusiastic to continue this work. And to know that this County is, looks to support the idea of preventing litter on the beaches is really nice as a teacher to go look, we as a society find this important and valuable, it's not just me talking all the time. That's, I will give you back the remainder of the time to you guys.

CHAIR GUZMAN: Thank you very much.

MR. LAUTERBACH: And if you have any questions I'd be more than happy to answer them.

CHAIR GUZMAN: Members, any follow-up questions for the testifier? Seeing none, thank you very much.

MR. LAUTERBACH: Thank you.

MS. WILLENBRINK: Ryden Richardson, followed by Alohilani Rodrigues.

MR. RICHARDSON: Aloha. My name is Ryden Richardson and I am a student at Hui Malama Learning Center. For Hui Malama we go out and clean farms, lois, beaches, and highways, and we find a lot of cigarette butts. One of my classmates went to Lahaina Harbor with his friend, they caught a fish and when they cut it open, they found cigarette butts. People sometimes toss their cigarette butts on the ground, not realizing that they end up in the ocean and then the fish eat them and die. Let's keep our island clean and free from cigarette butts. That's it.

CHAIR GUZMAN: Thank you very much, Ryden. Good job. Members, any follow-up questions? Seeing none, thank you very much, Ryden.

MS. WILLENBRINK: Alohilani Rodrigues, followed by Ransom Watanabe.

MS. RODRIGUES: Aloha. My name is Alohilani Rodrigues. I'm a high school student at Hui Malama Learning Center. And we as Hui Malama Learning Center students go out into the community and clean up highways, beaches, and farms. An example is our restoration project that we're working on right now down at Kehoni as my teacher explained. We are trying to restore the river that connects from Waihee Valley down the ocean, and so far we've come across cigarette butts, plastics, and other types of trash as long as the Japanese boat thing that came in. We do these

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cleanups to help our community. We do it also because every little thing we do makes a difference, and we just hope to keep Maui as beautiful as it is. Thank you.

CHAIR GUZMAN: Thank you very much. Members, do you have any further questions? Seeing none, thank you very much.

MS. WILLENBRINK: Ransom Watanabe, followed by Ko`i Lum.

MR. WATANABE: Hello. My name is Ransom Watanabe, and I'm a high school student at Hui Malama Learning Center. As a student of Hui Malama, I've gone to various places such as beaches and highways to clean. We often find plastic and other debris but we find even more cigarette butts. Cigarette butts are especially dangerous and harmful as they pollute rivers and streams that are home to native stream life such as opai and hihiwai that grow to support our ecosystem and feed people. Please help us to keep our streams and highways clean for the present and future generations of Maui.

CHAIR GUZMAN: Thank you very much. Members, any further questions, follow-ups? Seeing none, good job. I'm going to check in with our District Offices. On Hana, District Office, Ms. Lono, is there anyone wishing to testify?

MS. LONO: The Hana Office has no one waiting to testify, Chair.

CHAIR GUZMAN: Thank you. And on Lanai, District Office, Ms. Fernandez, is there anyone wishing to testify?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

CHAIR GUZMAN: And on Molokai, District Office, Ms. Alcon, is there anyone wishing to testify?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR GUZMAN: Thank you very much. Switching back to the gallery, you may proceed with the next testifier.

MS. WILLENBRINK: Ko`i Lum, followed by Lucienne de Naie.

MR. LUM: Aloha mai kakou. Councilmember Don Guzman and Council members, aloha. . . .*(spoke in Hawaiian)*. . . Hui Malama Learning Center. . . .*(spoke in Hawaiian)*. . . And my name is Ko`i and I'm a teacher at Hui Malama Learning Center, and as our students had shared before, I basically get to enjoy teaching these wonderful kids about our aina and the connection of malama aina. And some of the things that I, that our haumana like to participate is kui kalo and we pound taro as one of our skills that we learn. And . . .*(clears throat)*. . . excuse me. And they

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love to pound kalo over there, and I think one of the things that I bring them up understanding about our resources, our water and how important it is to be akahele and aware of what type of things is, you know, entering our oceans and our waters. And so I'm here just to kakoo all of my haumana in what they were sharing and all their manao and their thoughts, and I appreciate your time here. Mahalo.

CHAIR GUZMAN: Thank you very much. Is there any further follow-up for the testifier? Seeing none, good job. Thank you.

MS. WILLENBRINK: Our next testifier is Lucienne de Naie.

MS. de NAIE: Aloha kakou. Aloha, Committee Chair Guzman and all the rest of you folks that are holding down the fort here today. My name is Lucienne de Naie. I'm testifying on two matters, first on EAR-13, the farm bill, I'm testifying as an individual on that in strong support. I'm an East Maui resident and, you know, the little roadside stands are really, like they're the only economy we have, you know, other than folks who can grow enough to, you know, sell and large scale to different shipping kind of places and everything. But a lot of folks just depend on these little stands to have an income and have a place to put the things they grow, and it's convenient for all of us too, hey, we get too much bananas we can take them down to the Twin Falls' fruit stand, too much coconuts. The word goes out hey, they need passion fruit for their juicer, everybody can pick and take it down, make a few bucks. So it's really handy to have it I think more simplified. It's just been driving people nuts for years because there, you know, were so many sort of barriers to just kind of getting stuff from where it's grown to where it's sold. I mean you could only sell stuff that was grown on your land. That was crazy. You know, it's like I'm sure that those rules were well intentioned to keep out big commercial operators, but most of the stands that are operating now are selling things that are just from the neighborhood. And I know a lot of thought was put into this bill. I've been to a couple of meetings of the Ag Working Group, you know, what a great group. Just, you know, it's a good concept. It really has been needed. And just want to say, you know, this is what we should have, bills that have come out of a collaborative citizen community effort and then get reviewed by the proper people at the County level and then can go forward and get our laws up-to-date. So I support this going forward to the commissions for their review and look forward to what they have to say. Can I switch gears to topic two now?

CHAIR GUZMAN: Yes.

MS. de NAIE: And that's EAR I think it's 36. This is the smoking ban on the beach. I am now testifying on behalf of Sierra Club, Maui Group. Sierra Club very strongly supported the young people who led the charge on the island of Oahu to make their beaches smoke free. And man, they're the future generation, we should be supporting them. I've met several of the young people here who are spearheading a big part of this campaign. I was fortunate to meet some of the, they were middle school kids on the Big Island that got a clean beaches ordinance there,

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banning smoking I think on their beach parks. And these kids were in like seventh grade and eighth grade. I was so impressed. Yeah when I was growing up, everybody smoked on the beach, I'm going to admit it, you know. We hung out at the beach and everybody smoked, it was just the way, but times have changed, we didn't really realize all the implications that that had and now we know a little bit better. And we should follow the youth and listen to them because it's going to be their world that, you know, they're going to be living in the world when we're long gone. Not you, you're young but some of us, you know, we know our future days are in the smaller numbers rather than the longer numbers. So thanks very much for listening to these young folks. And on behalf of Sierra Club Maui Group we support this bill going forward and whatever changes it needs to, you know, make it enforceable. But we should join the other two counties that have taken this step. Thank you. Aloha.

CHAIR GUZMAN: Thank you so much, Lucienne. And I'd also like to thank you on behalf of the Ag Working Group for coming to several of our meetings and presenting the water issues as well as being there when Mr. Victorino came to the group --

MS. de NAIE: That was fun.

CHAIR GUZMAN: --and we had a nice discussion about water. And so thank you so much for your resources on the Ag Working Group.

MS. de NAIE: Well thanks. It's my pleasure. Aloha.

CHAIR GUZMAN: Thank you. Wait. Members, are there any follow-up questions? Seeing none, thank you very much again.

MS. WILLENBRINK: Chair, there's no more people waiting to testify; however, I do see people standing outside signing up right now.

... END OF PUBLIC TESTIMONY ...

CHAIR GUZMAN: Okay. Why don't we go ahead and proceed. Members, there are no further individuals in the Council Chambers or District Offices wishing to testify at this time; however, I am anticipating a very, very large group of testifiers from various schools arriving after 2:00 p.m. to testify on EAR-36. They will be gathering in front of the County Building initially, and I think they're gathering right now. But therefore, it is my intention to leave testimony open and accept testimony before consideration of each agenda item pursuant to Rule 17-B of the Rules of the Council. Thank you for your indulgence on this matter. Members, we have four items on our agenda today.

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**EAR-33 AMENDING SECTION 13.04.020, MAUI COUNTY CODE, TO AMEND THE
DEFINITION OF OCEAN RECREATIONAL ACTIVITY (CC 14-33)**

CHAIR GUZMAN: Item No. 1, EAR-33, Amending Section 13.04.020, of the Maui County Code, to Amend the Definition of Ocean Recreation Activity. At this time...let's see, at this time we will accept testimony on Item EAR-33. For individuals wishing to testify on Item EAR-33, please sign up at the desk located on the eighth floor just outside the Chamber. If you are desiring to testify from the remote testimony locations specified on the meeting agenda, please sign up with the Council Staff at that location. Ms. Willenbrink, please call the first testifier.

MS. WILLENBRINK: There's no one in the Chamber waiting to testify.

CHAIR GUZMAN: Thank you very much. And Ms. Lono from Hana District Office, is there anyone wishing to testify on this agenda item?

MS. LONO: The Hana Office has no one waiting to testify, Chair.

CHAIR GUZMAN: Thank you. Ms. Fernandez, is there anyone wishing to testify on, from Lanai for this particular item?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

CHAIR GUZMAN: And, Ms. Alcon from the District Office of Molokai, is there anyone wishing to provide testimony for this particular item?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR GUZMAN: Thank you. Let's see. So, Members, we are in receipt of the proposed bill entitled A Bill for an Ordinance Amending Section 13.04.020, Maui County Code, to Amend the Definition of Ocean Recreational Activity by Adding to the List of Activities to be Included. The proposed bill amends Section 13.040.020 [*sic*] of the Maui County Code to add "canoeing" as an ocean recreation activity. Which is strange that you have to do that. Should...but anyways, Councilmember Mike White introduced this measure earlier this year. Mr. White, would you like to provide the Committee with some background information?

COUNCILMEMBER WHITE: Sure. Thank you, Chair. The reason for this is that I was approached quite a while back by someone who wanted to know why they weren't able to do commercial canoeing like all the other activities that are covered under the, over the, under the Code. And the Code says, you know, the following activities are not...are such but not limited to just those. But and I realize that the Department is under a little bit different style of management now than previously. But they were told that there would be no consideration for canoeing under the Code, thus my putting in the bill to correct that because I felt it was strange that the activity that

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is the oldest of activities here in the islands was the, was simply not being allowed to be done on a commercial basis. And as I think most of us know, a lot of it has been done, is being done but it's being done somewhat under the radar because under the existing Code it's not allowed. So the purpose for this measure is simply to add the word so that the Parks Department can move ahead with allowing something to happen legally that in several cases is happening anyway.

CHAIR GUZMAN: Thank you, Mr. White. And thank you very much on behalf of the entire County for remembering the history of what is the first ocean activities here and placing it. It may be the first but now it is the last, so hopefully this gets resolved. And at this time, I'm going to ask our Deputy from Parks and Recreation Brienne Savage if she'd like to make any comments in regards to this amendment.

MS. SAVAGE: Thank you, Chair. The, other than just, you know, hearing kind of about it now and trying to just, you know, determine what the, I guess the intent and the purpose of it is. I would just make mention with the CORA Permits, additional permits are not issued because right now the number of permits issued are at capacity, and so I don't know if that...again, I'm not sure of the full, you know, history of this specifically, but that may be one of the factors into why specifically there aren't permits issued for the canoeing related to CORA.

CHAIR GUZMAN: Members, I'm going to open up the floor for any questions you may have for Department of Parks. Mr. Couch. Oh.

COUNCILMEMBER COUCH: Yeah.

CHAIR GUZMAN: Yeah. Please proceed.

COUNCILMEMBER COUCH: Okay, thank you. I have a, I have no doubt that this should be in here, but I have a couple comments. You might want to say Hawaiian outrigger canoeing as a potential just to make sure that we recognize the actual sport. And second of all, I guess it's a question for the Department is if there was another activity that wants to come in and another let's say a surfing permit goes away or whatever and somebody wants to do standup paddling, standup paddling's not listed here, but according to what Mr. White says, it wouldn't be allowed because it's not on this list. Is that the way you guys interpret that?

CHAIR GUZMAN: Ms. Savage.

MS. SAVAGE: When I read this, it says including but not limited to and lists, so I wouldn't say that, you know, other newer sports that aren't necessarily listed in here or even older sports that aren't listed as well that are recognized ocean recreation activities or sports couldn't be included based on this language right here. I think the reason that additional permits for CORA are not issued is because the current numbers are beyond what the capacity is supposed to be, so even if there's ones that drop out at different locations or people no longer have their permits, they were

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grandfathered in I believe when it transferred from Finance to the Parks Department. And so the actual numbers of CORA operators at many of the beach locations are over the numbers that are supposed to be at the facility. So unless those numbers were to drop below the capacity numbers, I mean that has a lot to do with why additional permits are not issued.

COUNCILMEMBER COUCH: Okay. And that's, Mr. Chair, is another discussion we need to have on this floor too about the whole ocean recreation activity permit situation. But I just wanted to get it on record that you're saying that you interpret that it's including but not limited to is other things can come in if there are space. Because apparently some people down below your level are saying no, sorry, it's not on the list.

COUNCILMEMBER WHITE: Not on the list.

COUNCILMEMBER COUCH: It's not on the list, you can't do it. So just I want that on the record, Mr. Chair, that at least the Deputy Director is saying no it's fine, if it's not on the list, it still can happen if it's at ocean.

CHAIR GUZMAN: Yes.

COUNCILMEMBER COUCH: As long as the proper permits are there.

CHAIR GUZMAN: So noted.

COUNCILMEMBER COUCH: Thank you.

CHAIR GUZMAN: Any further questions for the Department? Mr. White.

COUNCILMEMBER WHITE: Well I just, I'm a little bit puzzled by the statement that there are no, there's no further capacity. I realize that the ocean activity permits are not issued at certain parks, so there is capacity elsewhere. But my main goal here is just simply to make certain that the oldest activity is listed and that there's absolutely no question that it's permitted. And if a permit comes up, I mean the person who applied or inquired was told that all the kayaking permits were taken up so there was no possibility for canoeing. I believe a lot of the kayaking takes place in places that if there was a kayak permit that dropped out, canoeing certainly could be done in those locations. But my main goal is to get the word in there so there's no question at any level of the Department. Thank you, Chair.

CHAIR GUZMAN: Thank you, Mr. White. I tend to agree with you. Ms. Cochran, please.

COUNCILMEMBER COCHRAN: Thank you, Chair. And yeah, I'm completely in favor of adding canoeing. Surprised it was never put there to begin with. But jumping back to Deputy Director's comment in regards to that we're already I guess over capacity as in permits already

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given out. So if when permits do expire they're, doesn't necessarily mean there'll become an opening. So how'd that occur? And so are there people, not illegal but I mean you're saying it's over capacity. So basically we're just waiting for these to, you know, live itself out and then expire and that's it? I mean I guess someone comes in and wants to do a canoe business, it's just 'cause we add in the word isn't necessarily saying an opening will be there for them. So I'm just wondering, Chair or Deputy, I guess addressing the number situation here on amount of permits, you know, when and where needs to be looked at this point, too, or, you know, future. I guess Mr. Couch commented on that too, but I'm just...so are there people who should not have permits? I guess at this point if it's over capacity, it's kind of like the B&B Ordinance where we have certain designated amounts per district and if it goes over that well then if it's 88 and there's an 89th, that 89th shouldn't be. So I'm just wondering.

CHAIR GUZMAN: No, no, you have a very valid point, Ms. Cochran. In fact early on of last year when I got on the Committee as Chair, we did have that on the agenda in terms of one of my goals to address; however, the Department wanted to focus on the permitting process within the park system itself as a whole. And so we held off in addressing the CORA issue specifically until the permitting as a whole got into order or at least had some system changes like software as well as various other programs in which Ms. Savage is going district by district within the last month, having open public hearings and trying to resolve or at least fix the system to streamline it to become more efficient. But you're absolutely correct, in terms of the permits itself within CORA, there's a max level, max number that they have available, and the priority when they renew it, they get, the renewed people get the priority to get it renewed. Well and the new businesses that come up, you know, it's more competitive to get one freed up, and then some of the permittees or licensees have more than one permit and for more than one activity. So we're looking at a fairness issue. And so it's something that is on my radar and it's on Ms. Savage's radar, but we have to correct what we call the holistic system first. Am I correct, Ms. Savage? You may answer the questions.

MS. SAVAGE: Yeah, that is correct. There are things that need to be addressed within CORA. But as the Department looking at the priority of projects and knowing how much time it takes to work on each of these, you know, the facility maintenance and the overall permitting process were deemed as the one and two priorities. And after we get through those, then we would be looking at moving into our other administrative rules and making updates, revisions, and adjustments to those, 'cause there hasn't been, consistently those haven't been looked at and reviewed and updated.

COUNCILMEMBER COCHRAN: Okay. Thank you for the efforts.

CHAIR GUZMAN: Yeah.

COUNCILMEMBER COCHRAN: Thank you, Chair.

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CHAIR GUZMAN: And I believe Mr. Couch has worked on CORA in the past and he has made it known that he is more than willing to work on this issue as it comes forward to this Committee. Any further questions? Mr. White.

COUNCILMEMBER WHITE: To the comment that there's more than one permit for more than one activity, it's also for more than one site.

CHAIR GUZMAN: Yes.

COUNCILMEMBER WHITE: So it's a very complex issue --

CHAIR GUZMAN: Yes.

COUNCILMEMBER WHITE: --and I realize that, you know, I'm not intending to fix the system right now, but it strikes me that through the initial process of drafting legislation and issuing permits that the oldest activity was completely left out. There's not ever been a single canoe permit. So this is just simply to fix that and allow for some movement to come about in the future.

CHAIR GUZMAN: Thank you, Mr. White. Ms. Crivello, did you want to pipe in on the canoe issue?

COUNCILMEMBER CRIVELLO: No comments at this time.

CHAIR GUZMAN: Okay, thank you.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR GUZMAN: Any further questions for the Department? Seeing none, Members, if there's no further discussion, I will entertain a motion to recommend passage of the proposed bill entitled A Bill for an Ordinance Amending Section 13.04, wait, 13.04.020 of the Maui County Code, to Amend the Definition of Ocean Recreational Activity by Adding to the List of Activities to be Included; and filing of the County Communication 13-33.

COUNCILMEMBER WHITE: So moved.

COUNCILMEMBER CRIVELLO: Second.

CHAIR GUZMAN: Thank you. We have a motion from Councilmember Mike White and seconded by Councilmember Stacey Crivello. All those...

COUNCILMEMBER COUCH: Discussion.

CHAIR GUZMAN: Wait...discussion. I keep forgetting it. Any discussion? Mr. Couch.

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COUNCILMEMBER COUCH: Thank you, Mr. Chair. Just asking since I can't make any motions or anything, just asking if the Members would consider inserting the words "Hawaiian outrigger" in front of "canoeing" just to let us know that it is in fact Hawaiian outrigger canoeing that we're wanting to point out.

COUNCILMEMBER WHITE: The maker of the motion has no objection to that.

CHAIR GUZMAN: Okay. So let the record reflect there's a friendly amendment to the motion to add the language of "Hawaiian outrigger" to be included prior to the word of "canoeing".

COUNCILMEMBER WHITE: No objection.

CHAIR GUZMAN: Thank you. Members, all those in favor of said amended motion...no, I'm sorry, that was a friendly amendment. All those in favor of the primary motion, say "aye".

COUNCIL MEMBERS VOICED AYE.

CHAIR GUZMAN: All those opposed, say "no"? We have four ayes, no noes, and --

MS. WILLENBRINK: Chair?

CHAIR GUZMAN: --three excused, I believe.

MS. WILLENBRINK: At some point, would you like to close testimony on this item?

CHAIR GUZMAN: Yes, yes. And just for the record I will be closing, without any objection, closing testimony on Item 33.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CHAIR GUZMAN: Thank you. So let the record reflect motion carries as well.

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MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR GUZMAN: Okay. Is there anyone in the gallery wishing to testify on Item EAR-34? Seeing none, at this time without objections, Members, I will close testimony for Item EAR-34.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CHAIR GUZMAN: Thank you. Members, on August 6, 2013 the Director of Parks and Recreation transmitted a recommendation to the Commission on Naming Streets, Parks and Facilities that the Eddie Tam Complex Field No. 6 be renamed after William "Blee" Amoral Sr. The Commission supported the recommendation and the Department of Public Works transmitted a proposed bill entitled A Bill for an Ordinance Amending Chapter 12.40, Maui County Code, to Rename the Eddie Tam Complex Field No. 6 in Makawao to the William "Blee" Amoral Sr. Field to the Council for consideration. Mr. Amoral has been involved with sports at the Eddie Tam Complex since 1969 as a supervisor of the recreation, and at the complex he initiated basketball, football, volleyball, baseball, and softball programs. In addition, he oversaw the Upcountry track meet and as well as was very instrumental in organizing the Makawao Recreational Council. As you can see he has quite a list of achievements. Today we have today . . . *(spoke in Filipino)*. . . Rowena Dagdag-Andaya from the Department of Public Works.

MS. DAGDAG-ANDAYA: Salamat po, Chair. And mabuhay, Council members. We, our Department of Public Works administers or oversees the Commission on Naming Streets, Parks and Facilities, and this request came before the Commission and to the Department sometime in I believe June of last year from the daughter of Mr. Amoral, Mrs. Marian Lung. And in looking at Maui County Code Section 2.38.070, Standards for Naming Parks and Facilities, there are a number of standards and guidelines, criteria for recommending approval or for bringing this item forward. So let me just go ahead and run through some of the criteria. First of all, we need the name, the person's full name, date of birth, and date of death. The proposed naming will be for William Herman "Blee" Amoral. He was born to Manuel and Lucy Amoral on August 8, 1923 and he died on May 25, 2010. The address of his last residence, it's assumed to be from Makawao, Upcountry. I don't have confirmation of that, I was hoping to confirm that with the family today. And the association of the person with the park or facility to be named, Mr. Amoral was the superintendent of the East Maui Parks and Recreation, having started his career at the Eddie Tam Memorial Center in 1967, as a part-time recreation worker. A brief biography of the person needs also to be provided, and his daughter Marian Lung also she provided a brief biography in her June 26, 2013 letter to the Commission. Five letters of recommendation from various community members is also required, and at least one should come from the Director of the County department for which the control and maintenance of the park or facility, confirming the contributions of the individual to the region in which the park or facility is located. We did receive more than five letters. One letter was from the Director of Parks and Recreation, Mr. Glenn Correa. Another letter was received from James Fernandez, a Pukalani resident and a former mentee of Mr. Amoral. Mr. Fernandez noted that in his letter Mr. Amoral was

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instrumental in keeping kids off the streets and turning them into baseball players. Another letter was received from Patrick Brown, a sixth grade teacher at Kalama Intermediate School, who volunteered to assist Mr. Amoral in 1969 in scorekeeping duties for recreational programs at the Eddie Tam Complex. He noted that as the supervisor of Parks of Recreation for the entire East Maui District, Mr. Amoral would be seen doing visual inspections of all facilities from Kula to Hana. Mr. Amoral would also remind those under his supervision to be sure that the facilities were clean and safe for the community. A third letter from Mr. Reginald Caires a resident of Makawao. He provided a letter of support noting that he too was coached by Mr. Amoral. Wilfred Albiar, a resident of Upcountry, Maui, provided a letter of support saying that Mr. Amoral made the Upcountry parks shine before events and always made sure that they were clean and prepared. A letter was also received from Leroy Rocha, who provided support saying that Amoral contributed much of his time to the Upcountry community. And Louis Fernandez Jr. in his letter stated that Amoral should be honored and memorialized for his many outstanding achievements attributed to his hard work, diligence, and perseverance. Chair Guzman, I would like to also reiterate that the Commission on Naming Streets, Parks and Facilities recommended approval at their December 12, 2013 meeting. The Maui County Cultural Resources Commission also recommended approval of the proposed name change at its February 6, 2014 meeting. And to this date no testimonies of opposition were presented to either the Department of Public Works or the Planning Department.

CHAIR GUZMAN: Thank you very much for the very thorough report. As well as I'd like to acknowledge and shout out to Mr. Jimmy Fernandez, I know that he's called in and said that he's viewing at this time. Thank you for your letters of support as well. Do we have any questions for the Department at this time? Seeing none, Members, if there's no further discussion, I will entertain a motion to recommend passage of the proposed bill entitled A Bill for an Ordinance Amending Chapter 12.40, Maui County Code, to Rename the Eddie Tam Complex Field No. 6 in Makawao to the William "Blee" Amoral Sr. Field on first reading; and filing of County Communication 14-47.

COUNCILMEMBER WHITE: So moved.

CHAIR GUZMAN: Moved by Mr. White.

COUNCILMEMBER CRIVELLO: Second.

CHAIR GUZMAN: Seconded by Ms. Crivello. Any further discussion? Seeing none, all those in favor of the motion, say "aye".

COUNCIL MEMBERS VOICED AYE.

CHAIR GUZMAN: All those opposed, say "no"? We have four ayes, no noes, and three excused. Motion carries.

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**VOTE: AYES: Chair Guzman, Councilmembers Cochran, Crivello,
and White.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

**EXC.: Vice-Chair Carroll and Councilmembers Baisa and
Victorino.**

MOTION CARRIED.

**ACTION: FIRST READING OF BILL AND FILING OF
COMMUNICATION.**

CHAIR GUZMAN: Thank you, Members. And thank you for being in attendance, the Department.

**EAR-13 ROADSIDE STANDS AND FARMER'S MARKETS IN THE AGRICULTURAL
DISTRICTS (CC 13-85)**

CHAIR GUZMAN: Members, Item No. 3, EAR-13, Roadside Stands and Farmer's Markets in the Agricultural Districts. EAR-13, public testimony. At this time we shall accept testimony on Item EAR-13. For individuals wishing to testify on Item EAR-13, please sign up at the desk located on the eighth floor lobby just outside the Chamber doors. If you are at the remote sites, please notify the Council Staff. Ms. Willenbrink, please call the first testifier.

MS. WILLENBRINK: There's no one waiting to testify on this item, Chair.

CHAIR GUZMAN: Okay, thank you. I'm going to turn my attention to the Hana District Office, are you present and is there anyone wishing to testify?

MS. LONO: This is Dawn at the Hana District Office and there is no one waiting to testify.

CHAIR GUZMAN: Thank you very much. And, Lanai District Office, Ms. Fernandez, is there anyone wishing to testify?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

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CHAIR GUZMAN: Thank you. Ms. Alcon in Molokai District Office, is there anyone wishing to provide testimony?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR GUZMAN: Thank you.

MS. WILLENBRINK: Chair? Would you like to wait to see if any of these testifiers are going to testify on this issue?

CHAIR GUZMAN: Yes. Is there anyone in the gallery wishing to testify on EAR-13?

MS. WILLENBRINK: And the people coming in are not.

CHAIR GUZMAN: Okay.

MS. WILLENBRINK: They're going to testify on another item, Chair.

CHAIR GUZMAN: Okay, thank you. At this time, Members, since there is no one acknowledging their desires to testify in the gallery, without objections, I will close testimony on EAR-13.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CHAIR GUZMAN: Okay, thank you. Members, by way of the Committee Report 13-67, the Planning Committee referred to the EAR Committee, County Communication 13-85 from Councilmember Cochran, transmitting a proposed resolution entitled Referring to the Lanai, Maui, and Molokai Planning Commissions a proposed bill amending Chapter 19.30A of the Maui County Code relating to roadside stands and farmer's markets in the Agricultural District. Currently County zoning permits permits the operation of an agricultural product stands or farmer's market as an accessory use; however, this permitted use applies only to operations that exclusively sell agriculture products grown on the same property on which the sales occur. Any operation not exclusively selling products grown on property is required to engage in the County's burdensome permitting process to obtain a Special Use Permit. State law is less restrictive, allowing for a roadside stand or farmer's market to sell any product so long as the product is grown in Hawaii. The intent of the bill is to address the inconsistencies between County and State regulations within the Agricultural District. The bill expands the County zoning regulations to allow for the sale of any Hawaii-grown products at agricultural product stands and farmer's markets without the need for a Special Use Permit. Further review of Section 205 of the Hawaii Revised Statutes uncovered other types of agricultural-based commercial operations allowed within the Agricultural District including retail activities and retail food establishments. In an attempt to expand upon Councilmember Cochran's efforts, I have introduced a proposed bill to include these other types of agricultural-based commercial operations recognized under HRS. The bill

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identifies those structures associated with agricultural-based commercial operations and is identified as commercial agricultural structures within the ordinance. Any producer looking to operate a commercial agricultural structure must register their structure with the Planning Department. To protect the farmers' existing privileges, those agricultural product stands with a floor area less than 300 square feet are exempt from the registration requirement. My proposed bill is the result of countless hours of dedicated service by the Ag Working Group, the Planning Department, and my office staff. The Ag Working Group is a collection of Maui's farmers, ranchers organized to assist my efforts as the EAR Committee Chair in addressing the many issues facing Maui's agriculture industry. The bill takes into account the needs of both the agriculture community and the Planning Department by effectively balancing regulation of agricultural-based commercial operations with the farmers' rights to operate commercial agricultural structures such as roadside stands and farmer's markets. This bill fulfills the goal of Councilmember Cochran's proposal which provides additional opportunities for our local agriculture industry to stay competitive and viable in the market. It is with great sincerity and basically admiration to Councilmember Cochran for identifying the issue, passing the torch onto myself, and allowing our Ag Working Group to work on this to add in the necessary amendments that are, that you see today. Just to give you guys a more detailed analysis of what's been changed here is if you...I'm going to reference the Members to the amendments itself. You can see it's quite extensive. But what is most important is what is being, what structures are being identified as a permissible use is basically a roadside stand, but it's called in the ordinance an agricultural product stand, and it would be a building structure or place with a wall area that is at least 25 percent open and is owned and operated by a single producer for the display and sale of agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii. If you reference to Page 5 of the ordinance, you will have a new section identified as 19.30A.072, and that will identify and explain the various commercial agriculture structures. The second one would be, the second structure would be an agricultural retail food establishment, and that is a building or structure owned and operated by a producer permitted under Title 11, Chapter 12 of the Rules of the State Department of Health, that prepares and serves food at retail, using agricultural products grown in Hawaii, value-added products that were produced using agricultural products grown in Hawaii, and other food items. This is basically a farm-to-table structure wherein you can serve food there, and you can grow your foods and then serve it on a plate. Number three structure would be the agricultural retail structure, and that is a, means a fully enclosed building or structure owned and operated by a single producer for the display and sale of agricultural products grown in Hawaii, valued-added products that were produced using agricultural products grown in Hawaii, logo items related to the producer's agriculture operations, and other food items. All agricultural retail structures that prepare or serve food shall require a permit as required under Title 11, Chapter 12 of the rules of the State Department of Health. So those are like structures wherein you can sell your logos and your other value-added products, that's an additional structure. And so if you don't understand some of the wording in these definitions, there are further definitions going down. Like for instance, what is a logo and it'll identify what a logo means. What is "other food items" means, we have provided definitions for those as well. And the third item is the commercial

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agriculture...wait, what is that. Hold on. Oh, we have the farmer's market, so that's a farmer's market means a building, structure or place with a wall area that is at least 25 percent open that is used by two or more producers for the display and direct sale of agricultural products grown in Hawaii, value-added products that were produced using agricultural products grown in Hawaii, logo items related to the producer's agriculture operations, and other food items. All farmer's markets shall operate only during daylight hours and shall not operate on parcels less than five acres. So those are the various structures that will have permissible use on it, and so at this time what this resolution is calling for is that we allow the Maui Planning Commission to review the ordinance and therefore give us a recommendation. Today we have from the Planning Department Joe Alueta. If you could please introduce yourself and --

MR. ALUETA: Aloha.

CHAIR GUZMAN: --provide any comments that you may have.

MR. ALUETA: Oh. My name is Joe Alueta, I'm the Administrative Planning Officer for the Planning Department. And primarily as you know I take your bills or our bills through the Planning Commissions as well as resolutions that are established by the Council to the Planning Commissions before they're adopted, as required by the Charter. Again, Chair Guzman, we've been working on this together and we really appreciate it, and it looks like we've, pretty good finely crafted bill and hopefully we'll have a pretty smooth transition through the Planning Commissions. But you never know but we'll see what kind of comments come back. I think it is very workable for the, both the Department to administer as well as hopefully the farmers that will take advantage of the new amendments. Thank you.

CHAIR GUZMAN: Thank you so much, Mr. Alueta. And it's been a pleasure working with you on this. It actually went through I think four or five revisions through Planning after the Ag Working Group, so thank you very much for all your due diligence in this matter. I believe one of, I believe that we need to take a recess at this time just for maybe five minutes or so, and we'll come back and I'll call for the question and discussion for this matter. Five minutes. Thank you. . . .(gavel). . .

RECESS: 3:13 p.m.

RECONVENE: 3:22 p.m.

CHAIR GUZMAN: . . .(gavel). . . The EAR Committee shall now reconvene. Thank you, Members. Is there any questions that you may want to pose for the Department of Planning, Members? Seeing none, so, Members, with no further discussion, I will entertain a motion to recommend adoption of the proposed resolution entitled Referring to the Lanai, Maui, and Molokai Planning Commissions a Proposed Bill to Amend Section 19.04.040 and Chapter 19.30A of the Maui County Code, Pertaining to Commercial Agricultural Structures in the Agricultural District.

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COUNCILMEMBER COCHRAN: So moved.

CHAIR GUZMAN: Moved by Ms. Cochran.

COUNCILMEMBER CRIVELLO: Second.

CHAIR GUZMAN: Second by Ms. Crivello. Any further discussion? Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I want to thank you on behalf of the Planning Committee. We had this item and asked you to take a look at it, because we were a little uncomfortable as to, you know, as it came in, it was pretty generic and we thought your Committee since you had the working group might want to take a look at it and you guys certainly did, so thank you very much. And we look forward to getting it back and really seeing what the Planning Commissions say. Thank you.

CHAIR GUZMAN: Thank you. Any further discussion? Mr. White.

COUNCILMEMBER WHITE: I'd just like to thank Member Cochran for bringing this up, and thank you for grabbing the bull by the horns and making it work. Great job. Thank you.

CHAIR GUZMAN: Thank you. I think it was a team effort from Ms. Cochran as well as myself --

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR GUZMAN: --and the Ag Working Group.

COUNCILMEMBER COCHRAN: Yeah. And I mean it's come a long way 'cause I'm looking back on the first date, it's a year, and, you know, for as Mr. Couch, you know, stated it was pretty generic and kind of raw and you took it to the next, beyond the levels that I expected. And so I appreciate the hard work that's gone into it. You know Mr. Molina that's here now on a different level was definitely key in doing a lot of the work to begin with to get this all started, so hats off to his work in the early stages. But again, looking forward to it going to the Commissions and then back to us and, you know, vetted out a little more and fine tuned and come out with a great product that's going to be, you know, productive for everyone. So thank you very much for all your hard work and all the public participants, too, and the residents. So again, mahalo.

CHAIR GUZMAN: Yeah, thank you so much. My hats off to you as well, Ms. Cochran, for bringing up the issue --

COUNCILMEMBER COCHRAN: Yeah, I thought it very important.

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CHAIR GUZMAN: Thank you, Members. Members, I'm going to take a...I guess we have a intermediate school, I think two of them or three of them that want to set up their media cameras on the floor. So I'm going to take about a 10-minute recess, 10-to-15-minute recess so that they can set up their media cameras on the floor. So we'll be in recess for about 10-15 minutes. Thank you. . . .(gavel). . .

RECESS: 3:26 p.m.

RECONVENE: 3:46 p.m.

CHAIR GUZMAN: . . .(gavel). . . The meeting of the Economic Development, Energy, Agriculture, and Recreation Committee will now come back to order.

**EAR-36 PROHIBITING TOBACCO USE AND TOBACCO PRODUCTS IN COUNTY
PARKS (CC 14-49)**

CHAIR GUZMAN: I'm Committee Chair Don Guzman, and I welcome all of those that are here to testify. If you're an individual wishing to testify on Item EAR-36, please sign up at the desk in the lobby on the eighth floor just outside the Chambers. If you are going to be testifying in the remote locations, please consult with the Staff that is there at that location. When you come up to the podium, please state your name for the record and/or the name of your organization in which you represent. You will have three minutes to testify and one minute to conclude your testimony. So at this time I'd like to ask Ms. Willenbrink to call the first testifier.

MS. WILLENBRINK: Thank you, Chair. Our first testifier is Tim Lara, followed by Les Potts. Potts. Potts.

. . . BEGIN PUBLIC TESTIMONY . . .

MR. LARA: Hello. Thank you. My name's Tim Lara. I'm the vice chair of Surfrider Foundation's Maui Chapter, and I'm in favor of this bill. I think the number one item that we've...or not, I don't think but the number one item that we find at our beach cleanups is always cigarette butts, so it's, you know, obvious that this is definitely a big problem. Following suit with Oahu and the Big Island, who have already passed these ordinances over there, and hopefully eventually this can be a Statewide thing instead of county by county. And there's precedent not just in Hawaii but across the United States as well. New Jersey, California, and New York, San Francisco, all up and down East and East Coast, both the states and counties have banned smoking at their beaches in the past. So thanks.

CHAIR GUZMAN: Thank you. Testifier...Members, do you have any questions for the testifier? Mr. Couch.

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COUNCILMEMBER COUCH: Thank you. And thank you, Mr. Lara, for being here. You know we've gotten over 400-plus testimonies in writing which is very commendable; however, not all of them are in support, a few are against, and the biggest thing was, the concern was taking away our freedoms. Any thoughts on how you would respond to that and how we may want to respond to that?

MR. LARA: Yeah, I mean I think you can balance it out with the freedom to breathe clean air and, you know, the freedom to not have smoke blowing in your face or the freedom to sit at a beach that's clean and in a presentable order, and freedom to swim with marine life that's not sick or dying because of ingesting cigarette butts that left on the beach.

COUNCILMEMBER COUCH: Okay, thank you. Thank you, Chair.

CHAIR GUZMAN: Thank you. Members, any further questions? Seeing none, thank you very much.

MR. LARA: Thank you.

MS. WILLENBRINK: Les Potts, followed by McKeen Kessel. Kessel.

MR. POTTS: Committee Chair, Council members, my name is Les Potts. I'm the caretaker of about seven miles of coastline that includes Honolua Bay, and I do my route every morning. I try to get every beer can and cigarette butt and McDonald's wrapper that I can and down at the beaches at Slaughterhouse and Windmill, and it's always still a problem down there as...it's improved, it's improved since the first time I saw Elle out there picking up cigarette butts on the point there about five-six years ago. But anyway, I'm here...I'll be brief, we got plenty of testifiers who want to go. I'm in here in support of the ban on cigarette butts. Thank you.

CHAIR GUZMAN: Thank you, Mr. Potts. Is there any further questions for the testifier? Seeing none, thank you very much.

MS. WILLENBRINK: McKeen Kessel, followed by Sonya Niess.

MR. KESSEL: Aloha, Mr. Guzman, Council members, testifiers. My name is McKeen Kessel. I live six months in Kihei and six months in Falmouth, Massachusetts. While Massachusetts is not Hawaii, Falmouth is a beautiful seaside town on Cape Cod that is a world famous summer destination for tourists looking for beautiful pristine beaches in a quaint, historic, maritime New England town. In 2011 we became the third Cape town to prohibit smoking on our beaches. We wrestled with the same issues that you may be dealing with today and now our beaches and parks are cleaner and healthier and tourism is up. One of the issues we dealt with was how to enforce the ordinance. As it turned out, after the signs went up, smoking on the beaches almost disappeared because most people are good, law-abiding citizens. Unlike Maui, non-residents

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pay to use our beaches. The cost of using the parking lot for a beach is \$20 a day and people from around the world flock to Falmouth beaches in the summertime where families enjoy our many beaches without fear of exposure to someone else's smoke. Many smokers are good people that have not been educated about the harmful effects of cigarette butts, because tobacco companies are afraid people will smoke less if they have to worry about how to discard their butts. The bottom line is cigarette butts are a threat to wildlife, they have been in the stomachs of fish, birds, whales, and other marine animals, and the filters break down releasing harmful toxins into the environment. Unfortunately smoking and littering appear synonymous because Maui beaches are often littered with butts. There are many reasons to prohibit smoking in parks and on public beaches on Maui. While it is true it is indisputable that outdoor smoking, secondhand smoke is dangerous to non-smokers, it is also true that 70 percent of the people that smoke want to stop and limiting where they can smoke helps them to quit. I can think of no good reason not to prohibit smoking in the parks and on the beaches. It will protect the environment and wildlife from the leaching of harmful toxins from thousands of cigarette butts, protect the health of innocent people now forced to breath secondhand smoke simply because they are using public lands, reduce the threat of accidental fires and enhance reputation of Maui County as a healthy tourist destination. I believe that people that want to smoke should be able to, their rights are important also; however, as Abraham Lincoln once said, a man's right to swing his arms ends at my nose, and smoking is no different. In conclusion, if you care about people, smokers and non-smokers alike, if you care about the environment and marine life, you should pass this bill. Thank you for taking my testimony.

CHAIR GUZMAN: Thank you very much. Members, do you have any follow-up questions? Seeing none, thank you very much. You may proceed with the next testifier.

MS. WILLENBRINK: Sonya Niess, followed by Lauren Campbell.

MS. NIESS: Aloha, Chair Guzman and Committee members. My name is Sonya Niess and I am here today on behalf of Tobacco Free Maui County and its many partners. We strongly urge you to pass the proposed measure of EAR-36, tobacco-free beaches and parks. And today I'd like to share some numbers with you. So 4,000 is the first one. That's how many chemicals are released when a cigarette is lit. At least 50 of these chemicals are known to cause cancer. Sixteen percent, that's the percentage of Maui County residents who smoke. Ten percent of Hawaii high school youth also smoke. What is scary is that 9 out of 10 current smokers started smoking at the age of 18, by the age of 18. Each year in Hawaii 1,200 adults die from smoking, and 230 adults, children, and babies also die from environmental tobacco smoke. But there's hope, 68.9 percent of adult smokers want to stop smoking, and this policy would help them do that. It would do it from the basic concept of out of sight, out of mind. All right. So if you were trying to quit and you see others smoking around you, it is a trigger to pick up that habit. There are also some growing trends, specifically the e-cigarette. So two times as many middle and high school students are now using e-cigarettes, a product that is unregulated and contains nicotine which is highly poisonous and addictive. They also come in many candy flavors and are

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very appealing to youth. E-cigarettes are not an approved cessation method. So now some numbers that directly relate to tobacco-free beaches and parks for Maui County. You guys probably heard this number before but 14,130 cigarette butts were collected in less than 2 hours at 10 beaches across the island. An additional 3,000-plus butts were picked up at Kahului Harbor a few weeks later. And just last week 1,500 cigarette butts were collected at Keopuolani's playground in one hour. Not the whole park, just the playground. So additionally there's support from the community, there is 1,054 petition signatures, all of which were submitted to you as testimony. Ninety pledge cards were signed by the community, and 32 story cards collected in the past year. So I highly recommend that if you have time to please look through them. The story cards they look like this. You guys all got them. These are community members and visitors that have personally commented on the issue of cigarette butts at their beaches and how they support this policy. There have been --

MS. WILLENBRINK: Three minutes.

MS. NIESS: --12 partner organizations that have helped support this effort with beach and park cleanups, and I just want to end with a few really important dates. So April of 2008, Hawaii County adopted tobacco-free beaches and parks as law. In June of 2013, Oahu passed a similar measure. In March 14, 2014, the five of you will make a positive difference in our community. Thank you so much.

CHAIR GUZMAN: Thank you, Ms. Niess. Is there any follow-up questions from our Members?
Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And thank you, Ms. Niess, for being there. Unfortunately it's the four of them, I don't get a chance to vote on this at this point but I will when it comes to Council. Question for you on the bill itself, while I support the bill, the intent about the cigarette butts and whatnot, I've had some questions from constituents saying well, why are you throwing in chewing tobacco in there. Because, you know, they are good at putting it in their bottle and throwing it away and it's not a cigarette butt and et cetera. So I've had some people come to me and ask me about that for the first one so.

MS. NIESS: Sure. Well part of our cleanups we actually also picked up a lot of the packaging from cigarettes and some of that did include snus, and actually we were picking up some of the chewing tobacco products that were on the ground. Obviously not as many as cigarette butts. But really it's a comprehensive policy that we're looking at. There's a national trend to go tobacco free versus smoke free. It's just a way to help promote a healthier environment for everyone, so that's the main reason why.

COUNCILMEMBER COUCH: Okay, thank you.

MS. NIESS: Yeah.

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CHAIR GUZMAN: Any further questions from the Members? Seeing...oh yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And I guess...thank you, Ms. Niess, for being here and for what you've been doing. So my, yeah, my question I guess and you touched on it, tobacco free versus smoke free and just the distinguishment between the two. But I guess what Mr. Couch brought up, chewing tobacco obviously doesn't create smoke so that would not pertain to the smoke-free bill. So if you have comments, 'cause I know Oahu is smoke free and then Hawaii island is tobacco free --

MS. NIESS: That's right.

COUNCILMEMBER COCHRAN: --and we're looking at tobacco free.

MS. NIESS: Yes.

COUNCILMEMBER COCHRAN: Okay.

MS. NIESS: Yeah.

COUNCILMEMBER COCHRAN: And so can you just give me, you know, what's, so smoke free is more comprehensive with or less? Would it be...

MS. NIESS: Right. So tobacco free would include all tobacco products, including cigarettes, right, and again it's to be a more comprehensive policy. You know tobacco use is the number one preventable cause of death and disease, so we're really trying to look at reducing that. I think cigarette butts are the thing that we notice the most that are out there, but again like I said we're really trying to move towards more comprehensive policy so.

COUNCILMEMBER COCHRAN: Okay. All right, thanks.

CHAIR GUZMAN: Thank you. Mr. White.

COUNCILMEMBER WHITE: Thank you, Chair. I understand the goal, the question I have is if we are trying to be tobacco free, this bill includes the banning of electronic smoking devices which have no tobacco. So, you know, with the encouragement for people to get away from smoking tobacco products and get away from littering the butts all over the place, I guess the question is in your cleanups, how many electronic cigarette butts have you found on the beach?

MS. NIESS: Oh, you mean the cartridges?

COUNCILMEMBER WHITE: I've never used one, I don't know what --

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MS. NIESS: Yeah.

COUNCILMEMBER WHITE: -- comes with it or gets left behind. But I...

MS. NIESS: I don't even think we know what to look for for in terms of a cartridge at this point, 'cause I...yeah, me neither, I haven't seen one or used one. I've seen that come in pieces and parts like that. But you're right, it's not a tobacco product. And that is also why it was included in there, it is again part of this concept of making a more comprehensive policy. E-cigarettes are not regulated at all on a Federal level. They're becoming a huge trend. We're finding them in high schools and middle schools. The use is just growing in huge numbers, and there's really not much on them. So we're really trying to create policies that can help sort of curb the use of that, especially among our youth. Yeah.

COUNCILMEMBER WHITE: Okay. Thank you, Chair.

CHAIR GUZMAN: Welcome. Ms. Coch...Crivello. I see the C and I...

COUNCILMEMBER WHITE: Two days in a row.

CHAIR GUZMAN: Sorry.

COUNCILMEMBER CRIVELLO: Thank you, Mr. Guzman. Thank you for being here. And I sincerely appreciate the efforts that are going through to make this a reality of cleaning up our beaches or public lands and what have you. You mentioned that the e-cigarettes in your, I guess in your opinion is...well first of all you mentioned it's not regulated or what have you, and then it's not an approved cessation method. But I know personally of people who've tried to quit the habit of smoking and have found e-cigarettes as a method of reaching there. I know of one individual who was a pack-a-day smoker, now just because has turned to the e-cigarettes is like just changing it to one cigarette in the morning and one in the afternoon, so you see the eventual is, his hope is to eventually just end it all. And he'll go without the e-cigarette in between but that's what he sees as his method of being able to kick the habit --

MS. NIESS: Right.

COUNCILMEMBER CRIVELLO: --which I see that as a very positive for not only the individual but for what we're hoping to accomplish with this. And I understand your comprehensive and intent, and, you know, with our youth choosing this and maybe it has to go back to regulating their, the opportunities that they're allowed to purchase it. You know I think that's something to be into consideration. So in your opinion if, do you know of people who've tried the e-cigarettes and have continued smoking the tobacco cigarettes?

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MS. NIESS: So yeah and that's a great comment, I appreciate you bringing that up. So I work as a coalition so we have many different partners throughout the community, and one of our main community partnerships that we have are with cessation specialists which are people who help others quit tobacco use. And I guess what you also gotta understand is that when you, it, a lot of people say oh, I quit smoking and now I'm using e-cigarettes. Well you didn't quit nicotine and nicotine is that part that is addictive, right, that's that really nasty substance that gets you hooked just like heroine, right, almost just as bad. So what's been interesting is that we thought, you know, when e-cigarettes first came on the market, we were like I don't know, maybe this is a good thing, maybe this is going to help a lot of people quit, but the more and more that it's come out and the more information we have and the more we're looking at it, we're finding that this really isn't necessarily as great of a product as maybe we think it is without, especially without regulation. So the cessation specialists that I work with, many of them have reported people, that their clients quitting smoking and going to e-cigarettes, right, but then it's not a long term. They're not seeing it being a sustainable thing, so they usually will quit for or will switch to e-cigarettes for a few months and then they'll get back on to smoking and using the e-cigarette. So then they're double dosing on their nicotine which is actually really dangerous. So that is one concern. Another concern about e-cigarettes is that that liquid, it's in a little cartridge, right, the nicotine. It is. It's in this little thing and you put it in and it burns it so it's like you're vaping it. That cartridge contains nicotine and the nicotine is actually so poisonous that if say that is mishandled and a few drops get onto a small child, they are straight to the hospital. Right. And if they ingest it because it's candy flavored, they're going, you know, they could die, and we've already seen at least double in amount of poisoning cases related to e-cigarettes and children in Hawaii. So that's part of the reason why we are looking at this is that it's a health hazard just beyond helping a couple people quit.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR GUZMAN: Members, any further questions? I have a couple questions for you, Ms. Niess. You mentioned that the FDA does not have a definition of an e-cigarette. Have they, is that because it's not categorized as a I would say smoking aide or a smoking substitute? What exactly is it classified as? Is it in limbo at this date?

MS. NIESS: So the FD...is it...FDA is what you...

CHAIR GUZMAN: Or, or...

MS. NIESS: So the FDA has not, they're not regulating e-cigarettes, but when it came onto the market, it definitely caught their attention and they said well, we need to classify you into something. So their first initial response was we will put you in as a smoking, a drug delivery device, something that's used to help people quit. And when they did that, a lot of the e-cigarette companies said no, no, no, no, no, we don't want to because that would mean they'd have to go through a lot of clinical trials, right, and that would take years for them to prove that it's a safe product and then

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to get it out on the market. So instead they actually asked the FDA if they could be classified as a tobacco product. So on a Federal level, e-cigarettes are classified under, as a tobacco product. Now the FDA hasn't put any regulations on them, just like they haven't really put anything on tobacco and for whatever reasons, but that is where it is at least on a Federal level and that's why it was able to get out onto the market. The other thing you've got to realize is a lot of big tobacco companies have now invested into e-cigarette companies and that's why you're seeing, you know, all these ads and TV commercials all over the place.

CHAIR GUZMAN: Okay. And, Ms. Niess, are you aware of the legislation that's going on at the State level in terms of the debate of what is e-cigarettes?

MS. NIESS: I am. SB-2495.

CHAIR GUZMAN: Okay.

MS. NIESS: Yeah.

CHAIR GUZMAN: And so you're also aware in this ordinance it's already defined while our State legislation is trying to define it at this stage.

MS. NIESS: Oh, I see. Well there is, I guess I might not know exactly which one you're talking about. So I know that like electronic smoking devices was defined last year. It was also made illegal for youth to purchase or to sell to 18 years, right, below 18 years. So right now I do know there is a bill that's looking to move all e-cigarettes under our smoke-free workplaces law and things like that. So it's not passed though.

CHAIR GUZMAN: Okay.

MS. NIESS: Not yet.

CHAIR GUZMAN: Thank you. Any further questions? Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And so the vapor is considered...I still can't wrap my head around is vapor a smoke or is it...I mean it's just a condensation that looks foggy, smoggy. I mean what, so is, are you, 'cause you just said smoke free and e-cigarettes would be part of that.

MS. NIESS: So they, the e-cigarette companies like to say that it's vapor, not smoke, but in this vapor which is basically water particles with the chemicals that you're breathing in. So if you're breathing in this concoction of nicotine, formaldehyde, there's a bunch of other chemicals that are put in the "e", it's called e-juice, and when you exhale it, they've actually found that a lot of those chemicals are being exhaled as well. So it is sort of like a secondhand vapor. I would call

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it a secondhand smoke 'cause it's just getting too confusing to mix it all up like that. But there have been studies that have come out, they're very, you know, there's not long-term effects studied yet 'cause it hasn't been on the market for that long. But it is...they are noticing that, you know, if you're walking through a crowd and there is, you know, e-cigarette, the vapor in the air and you're smelling it, you're not just smelling, you know, nice-smelling water vapor, there's other things in there that are not good for your health.

COUNCILMEMBER COCHRAN: Okay, thank you.

CHAIR GUZMAN: Thank you. Any...

COUNCILMEMBER COCHRAN: Just a quick follow-up.

CHAIR GUZMAN: Yes, go ahead.

COUNCILMEMBER COCHRAN: Sorry, Chair.

CHAIR GUZMAN: Yes.

COUNCILMEMBER COCHRAN: And for cessation, you know, I have a friend who said she doesn't smoke but now she's addicted to the gum, so it's just another form of nicotine in a gum form and such as the e-cigarettes are just a nicotine in a, you know, vapor form. So I smoked, I did it cold turkey though, and it's the nicotine as you say that's the addictive part of it all, whatever form it's in. So I understand where this...but I mean the word tobacco is here and so because to equate tobacco, the leaf, the plant, the physical tobacco to a liquid or to a, you know, gum is sort of hard to equate. But I get the idea that all forms have nicotine and all forms are the habit-forming --

MS. NIESS: Right.

COUNCILMEMBER COCHRAN: --item.

MS. NIESS: And that's the big challenge that we faced a lot is how do you define this, nicotine free or tobacco free so--

COUNCILMEMBER COCHRAN: Right.

MS. NIESS: --just sort of --

COUNCILMEMBER COCHRAN: Right. Okay.

MS. NIESS: --kind of do the best we can.

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COUNCILMEMBER COCHRAN: Okay. Thank you though. Thank you for your efforts. Thank you, Chair.

CHAIR GUZMAN: Thank you. Members, any other further follow-up questions? Seeing none, thanks, thank you so much, Ms. Niess. I'm going to go ahead and check in with our District Offices. Ms. Lono, from Hana.

MS. LONO: Yes, good afternoon. There is no one here waiting to testify.

CHAIR GUZMAN: Thank you. And, Ms. Fernandez from Lanai.

MS. FERNANDEZ: The Lanai Office has no one waiting to testify.

CHAIR GUZMAN: And, Ms. Alcon from Molokai.

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR GUZMAN: Thank you very much, ladies. Back to the Chambers. Go ahead and proceed. Thank you.

MS. WILLENBRINK: Lauren Campbell, followed by Betsy Davidson.

MS. CAMPBELL: . . . *(adjusting mic)*. . . I'm sorry, hold on. My name is Lauren Campbell and I'm a marine biologist. I'm the chair of the Surfrider Foundation Maui Chapter, and I'm also the director of marine conservation programs at Pacific Whale Foundation. And I'm actually here today testifying as director of marine conservation programs at Pacific Whale Foundation and our support of the tobacco-free parks bill. While Pacific Whale Foundation has had years of conducting beach cleanups as well as advocating for smoke-free beaches and has been trying to raise environmental awareness regarding the impact of cigarette butts on our beaches, I want to really focus my testimony today on a long, a year-long, island-wide study that I've been doing on marine debris on our beaches. And my study started in May, 2013 so it's been going on almost a year, and it's been asking three main types of question, what type of debris is on our beaches, the amount of debris, and the rate at which debris is accumulating to really try to understand better this problem. I have four study sites: Poolenalena Beach down by Wailea, Puunoa or Baby Beach by Lahaina, Lower Waiehu Beach Road by Sand Piles, and Waihee Beach. And I basically go to each beach once a month and I clean this certain 100-meter section of each beach, and I clean that same 100-meter section and I clean at low tide. And I survey the section of beach between the waterline and basically the dune line, so I don't go into the upper beach area. I stay in the area that most is affected by the ocean and interacting with the ocean. And in the past 10 months of surveys, I've collected a total of 864 cigarette butts which is an average of 22 cigarette butts per cleanup. If you do a little bit of math with that, that comes out to 1 cigarette butt every 14 feet, and so put that on an island-wide scale, you consider that we have about 30-

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miles of sandy beaches here on Maui. So 1 cigarette butt per 14 feet at 30 miles of sandy beaches, we get about 12,000 cigarette butts that are sitting on Maui's, on just the island of Maui's sandy beaches at any one time. Now if you take that a little bit further and extrapolate it one level more and look at the entire coastline of Maui County, we have about 120 miles of coastline and that's about an estimated 48,000 cigarette butts that are sitting on the entire island of our coastlines right at any given moment. While this is really new and this is actually the first time I've presented this data, there are a couple conclusions we can reach. The first is that cigarette butts are by and large the number one most common item of litter on our beaches, that the issue is chronic, and that it is widespread. It doesn't matter the season or the beach, it doesn't matter --

MS. WILLENBRINK: Three minutes.

MS. CAMPBELL: --where the beach is located or even the demographics of the beach. And finally that we are dealing with a really large volume of cigarette butts. Again I'm looking at a very specific area of the beach, that doesn't take into account the upper dune areas, the parking lots areas, and again 48,000 cigarette butts for the entire coastline is most likely very much an underestimate. Just like with the bag ban, we don't see any plastic bags. As marine biologists that was one of the major things and issues that we were concerned with, so this legislation is much like that, having a single piece of legislation that can really make a huge difference and have such a profound impact on the environmental health of our oceans, of our coastlines, and as well as on the citizens of Maui. So I just ask you to please support this bill and support tobacco-free parks. Thank you.

CHAIR GUZMAN: Members, any questions? Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And thank you, Ms. Campbell, for being here. The other part of this and you're talking about beaches and the coastlines and whatnot, but the title of this bill is in County parks. So what do we tell our Upcountry friends that go to Mr. White's parties and have cigarettes at the Eddie Tam Park?

MS. CAMPBELL: Well that's a great question, and the thing is especially here on an island everything drains to the ocean. So everything that we...I mean here especially, I mean I'm originally from Florida but as we all know, the mauka to makai, it's that connection, and cigarette butts are getting on our beaches. And like I say, by looking at this study the real question was well okay is this an issue, like what is the issue of marine debris? Is it really a problem or are we just making it a problem, and those cigarette butts are getting onto our beaches every single month. I mean every single month I am cleaning up these same sections and we have them, and after these storms I actually saw a jump in cigarette butts which I think is because of the storm drains either bringing them down. And, you know, I can't, again I don't have enough data to back that up as I would like to as a scientist. But I think that gets to the question is that it's the number one, it continues to come onto our beaches and continues to be the problem, and we do have, you know,

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this really strong idea here in Maui especially mauka to makai, what happens Upcountry affects what happens in the ocean and our beaches.

COUNCILMEMBER COUCH: Okay, thank you. Thank you, Ms. Campbell. Thank you, Chair.

CHAIR GUZMAN: Any further questions from the Members? Seeing none, thank you very much, Ms. Campbell.

MS. CAMPBELL: Thank you.

MS. WILLENBRINK: Betsy Davidson, followed by Brian Zamora.

MS. DAVIDSON: Hi. My name is Betsy Davidson. I actually am here representing myself as a marine biologist here in favor of the proposed bill to prohibit tobacco use on our beaches and in our parks. I've seen firsthand the negative impacts that these toxic filters can have. As a concerned citizen and ocean lover, I have participated in countless beach cleanups and highway cleanups, most of which I spent picking up cigarette butts. I can vividly remember one particular cleanup in which I picked over 600 cigarette butts in under two hours just personally by myself, and I could still see hundreds more scattered just my back hurt too much to bend over and pick up more. Another time I picked up over 80 cigarette butts in just under 20 minutes. Given that the average smoker may deposit 5,000 cigarettes in a year, I personally would need to pick up 15 cigarette butts every single day just to compensate for one smoker. I've seen people rushing to pick up litter in the same few minutes that they've thrown their own cigarette butt on the ground as though a napkin would cause more damage to the environment than a cigarette butt would. Perhaps they were under the impression that cigarette butts are actually able to biodegrade, or maybe they're unaware of the hundreds or thousands of chemicals that could eventually leach into the environment, into our oceans. I've witnessed children playing on our sandy beaches only to have their parents rush over and pull a cigarette butt out of their child's mouth. I've also unfortunately witnessed marine wildlife mistakenly ingesting them as food. In 1993 Hanauma Bay in Oahu became the first US beach to ban smoking in response to sea turtles and other wildlife ingesting cigarette butts. And according to a 2012 article in the *Journal of Coastal Research*, the smoking ban enacted at Hanauma Bay may have played a major role in the selection as this beach is one of the number one beaches in the United States. In Southern California over 100 miles of coastline have been deemed smoke free, and even better in Santa Cruz, California where I personally am from they've installed stainless steel cigarette receptacles called Bait Tanks along the coastline for depositing cigarette butts in. Within the first few months of installation of those as well as after the ban, 50 to 70 percent reduction in the littering of cigarette butts on the beaches and along the coastline. So people from all over the world travel to spend time on Maui's coastlines and yet what they find often is that our beaches are treated like giant ashtrays. Maui has the opportunity to take pride and claim responsibility to our land, to our oceans, as well as the wildlife and the people that come to visit Maui or those of us

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that call it home. So I ask you to please support this bill to prohibit tobacco use in our parks and on our beaches. Thank you.

CHAIR GUZMAN: Thank you very much. Members, do you have any follow-up questions? Seeing none, thank you --

MS. DAVIDSON: Thank you.

CHAIR GUZMAN: --very much, Ms. Davidson. We have today in the gallery we have Brianne Savage our Deputy Director of Parks. I would welcome you to the floor if you would like to come down and sit in on the testifiers. Go ahead and please call the next testifier.

MS. WILLENBRINK: Brian Zamora, followed by Seanna Yoshioka.

MR. YOSHIOKA: Good afternoon, honorable Chairperson Don Guzman and members of the Economic Agriculture and Recreation Committee [*sic*]. My name is Brian Zamora, senior from Maui High School. I'm currently the chairperson for the Maui District Student Council known as MDSCO and the student body president of Maui High School. I stand in strong support of EAR-36. Through the joint efforts of MDSCO, the Surfrider Foundation, Tobacco Free Hawaii, and the county of...high schools of Maui, we had conducted an island-wide beach cleanup on January 12th, where we were able to collect a total of 14,130 butts that were of tobacco, marijuana, and cigarette substances in a total of just two hours. As a result of what we have collected, there surely is a high indication that this is indeed an issue that we here in Maui County face. Counting the butts on January 13 was also excruciating as the butts may not be lit but the odor still emanated. Oahu has passed similar legislation to ban cigarettes on beaches and I believe that we should follow on the steps of our neighbor islands. Furthermore, Mayor Alan Arakawa issued a proclamation on January 13th, Butts off our Beaches. The butts are not only a detriment to humans but also to other living beings. According to vet medicine, dogs that ingest these butts are exposed to high toxic levels that can lead to vomiting, seizures, and even death. Additionally, other animals can also ingest these butts thinking that it is food but it is not. Furthermore, kids are also at high risk of ingesting butts concealed in between the sands. Many of our local ohanas have beach days with their families, we should not have to worry about these butts on the beaches and having our loved ones having to ingest them. I understand that full eradication or cessation of smoking on the beaches will not fully occur as it will be difficult to monitor all cigarette activity on beaches, but I believe that with this law it will grant many individuals the comfortability to speak out to say hey, stop smoking or put away, it's illegal. Currently for many families having a picnic near a person smoking can be a nuisance. Anyway it's a bit difficult and awkward to tell that person to stop smoking as it is legal at the moment and there is no law forbidding that action. To reiterate, with this bill it will allow our local residents to speak up to individuals who are smoking. Furthermore, with the butts on our beaches can also affect tourism in a negative light. It is important to note that tourism is one of our number one industries. Many visitors come down to visit our pristine and clean beaches, but with these butts

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scattered on beaches it gives visitors a reason to be disappointed with what is seen. And in closing, I speak on behalf of the Maui District Student Council Organization and the students of Maui County that you members of the Maui County Council and the members of the Economic, Agriculture, and Recreation Committee [*sic*] to pass EAR-36 and to preserve the quality of our beaches. Thank you for your time to listen to my testimony.

CHAIR GUZMAN: Very good. Yes, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Oh. Thank you. I have no questions but I really want to congratulate you for your leadership in making this a reality I'm sure. Thank you.

MR. ZAMORA: Thank you. Thank you.

CHAIR GUZMAN: Thank you. Any further questions? Seeing none, thank you very much.

MR. ZAMORA: Thank you.

CHAIR GUZMAN: Good job.

MS. WILLENBRINK: Seanna Yoshioka, followed by Shayla Isaacs.

MS. YOSHIOKA: Aloha. My name is Seanna Yoshioka and I am here speaking on behalf of the Key Club. For those of you who don't know, Key Club is an international service organization. We are supported by the Kiwanis Club, and there is three key clubs on Maui. From on the beach cleanup in January, both Baldwin and Maui High School Key Clubs were there with over 40 members present. For any given project, that is a large number, so just showing how many youth are in support of the bill. The most common comment that we got that day was people thanking us for picking up the butts and just cleaning the beaches in general. It shows that the members of the community also support having a clean beach and a clean environment. So I just want to thank you all for your time, and just know that we all through the Key Club support this bill.

CHAIR GUZMAN: Thank you. Very nice. Members...sorry, Mr. Couch. Members, any questions? You have any...thank you very much.

MS. YOSHIOKA: Thank you.

CHAIR GUZMAN: Good job.

MS. WILLENBRINK: Shayla Isaacs, followed by Gina Marzo.

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MS. ISAACS: Good afternoon, Chairperson and committees...or members of the Committee. My name is Shayla Isaacs, I'm a junior at Baldwin High School. Today I'm testifying as representation of Baldwin High School as our school student council president. So being a local girl growing up on Maui, obviously some of the best memories I've had were made on the beach spending time with my family and the members of my community. And I want kids to have the same experience as me, future generations, their children, everybody, I want them to all be able to go to the beach and be able to spend time with their families and not be burdened by any tobacco smoke or having tobacco products on the ground. In my opinion, this bill is extremely essential in continuing the tradition of long days at the beach, free from disgusting pollutants. In the best interest of the people of Maui as well as our precious environment, I strongly support this bill and humbly ask for your support in it as well. It's been an honor speaking in front of you today and I thank you for your time.

CHAIR GUZMAN: Very good. Members, any follow-up questions? Seeing none, thank you very much for your testimony.

MS. WILLENBRINK: Gina Marzo, followed by Abigail Bancio [*sic*].

MS. MARZO: Good afternoon, honorable Council members and Chair Guzman. I'd like to begin with a big thank you to everyone who took time out of their day today to come out and learn more about this very crucial issue. My name is Gina Marzo, I am 16 years old and I am the junior class president at a very small school located on the West Side of this island, this school is Maui Preparatory Academy. At Maui Preparatory Academy I also represent the student body as the representative for the Maui District Student Council Organization, also known as MDSCO. With my time at Maui Preparatory Academy, it has been very hard to ignore the school's unique drive to reach out to the community, not to mention MDSCO's passion as well. Students are not only constantly involved with our local community but also with our people and our environment. So on behalf of Maui Preparatory Academy and Maui District Student Council Organization, I'd like to say that as youth we have a passion to keep our people and environment safe and thriving. Now that you know that cigarette butts are the number one most littered item on the beaches of Maui County and that our youth from schools over the island picked up 14,130 cigarette butts in the short time of less than two hours of January 12th of this year. Personally the most heartbreaking fact to me is that over 443,000 people die prematurely to tobacco use, and 8.6 million people live with a serious illness because of tobacco, yet the problem doesn't even stop there. When you're smoking your secondhand smoke is not a choice for the victim. Fifty-three thousand, eight hundred people die every year from secondhand smoke. This shows that innocent people are dying because of someone else's bad decision. Our youth in our community does not want to see one of these 53,800 people to be one of us. We have a passion to protect not only our beautiful home but the beautiful people that live here. If you're someone like me who was born and raised on the beaches of this island, you'd realize how important this issue is to us. We visit our beaches to have fun and enjoy the time with our families and friends, not to have smoke blown in our faces by the person near us. Oahu and the Big Island have made this

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legislation happen, and now we, the student leaders of this movement through the Maui District Student Council Organization urge the County Council to vote to save the environment and lives of Maui County.

CHAIR GUZMAN: Very good. Members, any questions for the testifier? Seeing none, good job, and you're very inspirational in terms of your movement. Thank you.

MS. MARZO: Thank you very much.

MS. WILLENBRINK: Let me try this again. Abigail Banggo, followed by Nicole Schroeter.

MS. BANGGO: Good afternoon, Council members. My name is Abigail Banggo and I represent Maui High School as the student body vice president, and I stand in support just like everyone else for this bill to be passed. Because I believe that it doesn't only affect the people in our society but also the environment as a whole, especially our marine life. And I think what makes Maui one of the best and most beautiful island in the world is because of our environment, especially the beaches. We're very known for that. And this is what also attracts the tourists and boosts our tourism rate; however, when we did the beach and accumulated at least 14,000 cigarette butts in less than two hours, it made me afraid to see a degenerated future not only for the people in our society but also the island as a whole. So I humbly ask for your support to pass this bill because you're not only helping us youth to save the environment but also you're also giving us an assurance to have a healthier and safer future place to live in.

CHAIR GUZMAN: Thank you very much. Members, any follow-up questions? Seeing none --

MS. BANGGO: Thank you very much.

CHAIR GUZMAN: --good job.

MS. WILLENBRINK: Nicole Schroeter, followed by Megan King.

MS. SCHROETER: Good afternoon. My name is Nicole Schroeter and I'm testifying on behalf of myself, and I support tobacco-free beaches and parks. I'm a regular beachgoer, I paddle and I surf and I enjoy the beach nearly daily. Coming from a background working with MEO Youth Services, I have basic knowledge of how toxins in cigarette butts negatively affect marine environments. And while these effects are disturbing and alarming, my personal experience goes beyond this knowledge base. Cigarette butts seem to have become a part of the sand. At every beach and park, you find these disgusting pieces of toxic litter, and I can't help but consider that for every one of these cigarette butts, somebody ingested the toxins and the chemicals. At every beach cleanup I've participated in, cigarette butts have been a focal point. Thousands and thousands of butts over and over again are picked up at every beach cleanup. During a day at the beach with my family I can remember our family, niece and nephew building sand castles and

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my four-year-old nephew had used cigarette butts as flags for his castle. If any of these points seem trivial or without merit, just ask yourself is there any benefit to continue to allow smoking at public beaches? If there's any measure our community can take to help our community members limit their smoking habit, why not take it? Why not reduce litter? Why not prevent secondhand smoke exposure? Why not help our marine life? Change is sometimes difficult, there will always be opposition to change. We must support positive change, and without change how can we progress as a society?

CHAIR GUZMAN: Very nice.

MS. SCHROETER: That's all I have.

CHAIR GUZMAN: Members, any further questions? Seeing none, thank you very much.

MS. SCHROETER: Thank you.

CHAIR GUZMAN: Members, I want to check in with you in terms of your available time. I want to check in, how many testifiers do we have left on the list?

MS. WILLENBRINK: Chair, we have three more testifiers. I'm not sure about the outer.

CHAIR GUZMAN: Okay. The time is 4:35. Members, can we finish up on the testimony and then at that point I intend to most likely continue this meeting for another date. It's getting, you know, past the hour, but we'll go ahead and proceed at this point.

MS. WILLENBRINK: Megan King, followed by Kurt Miller.

MS. KING: Hello. I'm Megan King, and I'm an eighth grader at Lokelani Intermediate. I'm part of the Lokelani's SOS program that does beach cleanups. I want, I believe that butts off the beach or this law should become into effect to help protect wildlife. A Brook University study showed that majority of fish, whales, and birds died from eating trash and cigarette butts. The animals either die from it being stuck in their intestines or die from the toxic chemicals such as cadmium, lead, and arsenic that I've seen which is used in lead poisoning. Cigarette butts are also non-biodegradable and it takes about 12 years for them to break down. If we have this law to protect our wildlife and ourselves and our environment, it will help people be healthier and safer by helping prevent people from smoking. So please, could you please have a law to prevent from more animals from dying and make our beaches more beautiful than ever.

CHAIR GUZMAN: Thank you very much. Members, any further questions? Seeing none, thank you very much for your testimony.

MS. KING: I also want to submit the testifies of Aisake Fakava and Ashley Taoka.

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MS. WILLENBRINK: Kurt Miller, followed by Teak McAfee.

MR. MILLER: Oh, hi. Hi, Council members. I'm not a good speaker and I'm totally frozen right now, and I had no idea I was going to be here. But I was doing something over in the library picking up some information that I wanted for something else, but then when I saw all the pizza out front I kind of came over here and somebody started saying they're having a talk and going out here. And I got something to say about these e-cigarettes and I'm totally against smoking and the e-cigarettes, and nobody's yet picked up on the e-cigarette junk. There's something out there in the world that's called liquid antenna and biomedical research uses it in the bodies in cybernetic work. You can't stick a metal antenna like on your car in a body and have the body move or you'll rip the skin and stuff, so they take liquid and they frequency it. And just like a phone number everybody's got one. You can frequency water and you can individually make all these antennas and that's what they're putting in these little tubes that people are smoking or vaping or whatever you call it. So you inhale the stuff into your lungs and it goes into your blood stream and then it permeates out into your body into your aura, and your aura is your electromagnetic flux. It's like the radar on a ship, and if you're sitting in the ship you could see out 200 miles and you can tell the Japanese are coming at you or whoever, you know. You can tell the airplane and you can hear 'em, you can tell the size of the engine and how many horsepower it is. You can even tell the health on the person flying the plane. You can do the same thing with this vapor stuff. Somebody gets in the middle of a crowd and they start sucking all these vapors and they, their aura emanates outward 100 feet. Well, everybody around you can be seen, they can be heard, their health can be distinguished, they can figure out the money you got in your pocket, they can...and just like somebody at a concert with a mixing board, takes the knobs and goes up and down, they can cancel out people around you and noise and music and they can zero in on people. Now this is totally wrong, this is like a _____ being shot at your house, you know, your window. A long time ago the public found out about this, and you can like subtract the TV and the radio and there's three people inside and you can hear what they're saying but, 'cause that's kind of like going against your right. They said okay we're not going to do that anymore. So now they're trying to sneak up on the public because the public is ignorant when it comes to frequencies, and frequencies are those little stupid things that you can punch a button, you know, like at Walmart and you can get the dogs next to you to shut up.

MS. WILLENBRINK: Three minutes.

MR. MILLER: If you knew a lot about this stuff, it's just, it's used in education, security, banking, communications, and now it's being used in the liquid in these e-cigarettes and that's wrong, and they kind of picked up on it when...part of my life has been out in the Southwest around ranches and stuff. I'm kind of like a surfer, skater, cowboy guy, and a lot of those guys out there had cattle mutilations. Oh just like infrared picks up hot engines in cars through satellites, they got something out there called Kirlian photography that comes out of satellites and it picks up your electromagnetic flux. And they found out that the cow's auras were sparkling like a paint job.

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CHAIR GUZMAN: I'm sorry. Your time has concluded. Do you have one last word to say?

MR. MILLER: Yeah, the e-cigarettes are bad, they're wrong.

CHAIR GUZMAN: Thank you.

MR. MILLER: If everybody had, if somebody had the technology to evaluate 'em and put them out there instead of waiting for a big company to do it because those guys are always going to lie. Just to get a private sector to do that, some normal people like school children. Pool your efforts together and start analyzing this stuff and finding out, you know, what I just kind of told you.

CHAIR GUZMAN: Okay.

MR. MILLER: 'Cause that's what's going on.

CHAIR GUZMAN: Thank you very much. Members, do you have any further questions? Seeing none, we really appreciate you being here.

MR. MILLER: I mean it's...I bet you never heard anybody tell you what I just told you. I know you . . . *(inaudible)* . . .

CHAIR GUZMAN: Thank you very much, sir. Next testifier, please.

MS. WILLENBRINK: Yes, Chair. Our final testifier is Teak McAfee.

MR. McAFEE: Good afternoon. My name is Teak McAfee. I'm 16 years old and I'm a student at Seabury Hall. I was born and raised on Maui and my parents own a dive company so I've always been a regular beachgoer and actively involved in the ocean and marine life preservation. In 2009 with the help of my teacher Beau Ewan, I created the campaign Butts Off Maui's Beaches dubbed BOMB in an effort to ban smoking on our beaches. The campaign was highlighted in local newspapers and online blogs. We created an online petition which was signed by hundreds of people supportive of the change. My campaign became dormant after I entered high school as my focus shifted to handling the workload of a Seabury student. I stand here today addressing you not only to add my support to this ban but also as a testimony to the fact that positive public support for this idea has existed for years. Residents I had contact with through my activities were overwhelmingly supportive of passing legislation to get butts off of our beaches. I urge the Council to proceed with a smoking ban in the County beach parks. Thank you.

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CHAIR GUZMAN: Good job. Members, do you have any further questions? Seeing none, thank you very much. I'm going to check in with our District Offices. In Hana, Ms. Lono, is there anyone wishing to testify?

MS. LONO: There's no one waiting to testify at the Hana Office, Chair.

CHAIR GUZMAN: Thank you. And in Lanai District Office, Ms. Fernandez, is there anyone wishing to testify?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

CHAIR GUZMAN: And on Molokai, Ms. Alcon, is there anyone wishing to testify?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR GUZMAN: Thank you. Thank you, ladies, for being patient and sticking with us throughout this, these many hours that we've sat through the testimony, but appreciate all your work. Aloha. I'm going to turn to the gallery, is there anyone wishing to testify? Please sign up at the, in the lobby. Seeing no movement, Members, it's almost 5 o'clock, I don't want to take too much more of your time. We, the standard procedure is we usually end by 4:30 and I appreciate all of your, I appreciate all your hard work and staying with us. I intend to recess this meeting until 9:00 a.m. on Friday, March 21, 2014.

MS. WILLENBRINK: Chair? Did you close testimony?

CHAIR GUZMAN: I didn't close testimony.

MS. WILLENBRINK: You're going to keep it open?

CHAIR GUZMAN: Is that a requirement?

MS. WILLENBRINK: It's up to you.

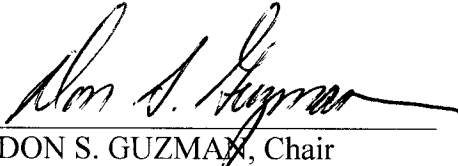
CHAIR GUZMAN: Right. That's, I'm not going to close testimony. Yes. So again, I'm going to continue this meeting until 9:00 a.m. on Friday, March 21, 2014, at which time we will continue our deliberations. I would like to invite the students who have participated today to come back and bring whoever you would like to the next meeting on Friday to observe the conclusion of today's meeting. This meeting shall stand in recess until Friday, March 21, 2014, and we will, we shall reconvene at 9:00 a.m. here in the Council Chambers. The meeting is now in recess. And I thank all of the participants for their testimony and all of our hard work. Thank you. . . .(gavel) . . .

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RECESS: 4:46 p.m.

APPROVED BY:



DON S. GUZMAN, Chair
Economic Development, Energy, Agriculture,
and Recreation Committee

ear:min:140314

Transcribed by: Daniel Schoenbeck

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CERTIFICATE

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

DATED the 24th day of March, 2014, in Kula, Hawaii

_____

Daniel Schoenbeck