

**INFRASTRUCTURE AND ENVIRONMENTAL  
MANAGEMENT COMMITTEE**  
Council of the County of Maui

**MINUTES**

**February 2, 2015**

**Council Chamber, 8<sup>th</sup> Floor**

**CONVENE:** 1:36 p.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Elle Cochran, Chair  
Councilmember Gladys C. Baisa  
Councilmember Robert Carroll  
Councilmember Stacy Crivello (out 4:03 p.m.)  
Councilmember Don S. Guzman  
Councilmember Mike White (in 1:45 p.m., out 3:55 out)

**EXCUSED:** VOTING MEMBERS:

Councilmember Riki Hokama, Vice-Chair

**STAFF:**

Jordan Molina, Legislative Analyst  
Raynette Yap, Committee Secretary

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)  
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)  
Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

**ADMIN.:**

David Goode, Director, Department of Public Works  
Rob Parsons, Environmental Coordinator, Office of Economic Development  
Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel  
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

*In the gallery:*

Kyle Ginoza, Deputy Director, Department of Environmental Management

**OTHERS:**

Emily Fielding, The Nature Conservancy  
Amy Hodges  
Robin Newbold, Maui Nui Marine Resource Council  
Russell Sparks  
Mike Moran, President, Kihei Community Center  
Tova Callender, West Maui Ridge to Reef Initiative  
Dick Mayer

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John Fitzpatrick  
Larry Stevens, Chair, Clean Water Committee  
Robert Richmond, Chair, Maui Coral Reef Recovery Team  
Irene Bowie, Maui Tomorrow  
Darla White  
Edwin "Ekolu" Lindsey  
Tegan Hammond, Coral Recovery Plan Coordinator, Maui Nui Marine Resource  
Council  
Bill Frampton, Frampton & Ward  
Lucienne de Naie  
Plus (2) Others

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

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CHAIR COCHRAN:    *... (gavel) ...* Aloha, and will the meeting of the Infrastructure and Environmental Management, please come to order. I am Councilmember Cochran, Chair of the Committee. It is currently about 1:36 in the afternoon, Monday, February 2, 2015, and here with us today is Councilmember Carroll.

COUNCILMEMBER CARROLL: Good afternoon, Chair.

CHAIR COCHRAN: Aloha. Councilmember Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR COCHRAN: Good afternoon. And Mr. White will be arriving shortly along with...and Ms. Crivello is here.

VICE-CHAIR CRIVELLO: Aloha, Chair.

CHAIR COCHRAN: Aloha. And Mr. Don Guzman, aloha. And Vice-Chair of this Committee, Riki Hokama is excused. Here for Committee Staff, we have Committee Analyst, Jordan Molina, and handing out papers, Committee Secretary, Rayna Yap. Let me check in with our District Offices and see...check our connection. So, in Hana, Ms. Lono, are you there?

MS. LONO: Good afternoon, Chair. This is Dawn Lono in Hana.

CHAIR COCHRAN: Thank you. And on Lanai, Ms. Fernandez?

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

CHAIR COCHRAN: Aloha, Ms. Fernandez. And on Molokai, Ms. Alcon?

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

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CHAIR COCHRAN: Thank you, ladies, for being there. Members, we shall now, shortly, open up the floor for testimony so anyone in the Gallery or in the public would like to testify here at the Chambers, please sign up at the Lobby's front desk here on the 8<sup>th</sup> Floor, and please limit testimony to the agenda items listed today. And pursuant to our Rules of the Council, each testifier will be given three minutes to testify and when testifying, please state name, organization you might be representing.

**. . . BEGIN PUBLIC TESTIMONY . . .**

CHAIR COCHRAN: Jordan, do we have some testifiers signed up today?

MR. MOLINA: Madam Chair, we have 14 testifiers signed up to provide testimony.

CHAIR COCHRAN: Wow, excellent, very popular today. Very good. Please call the first testifier.

MR. MOLINA: The first testifier is Emily Fielding and she will be followed by Amy Hodges.

MS. FIELDING: Good afternoon, Chair, Councilmembers. Very happy to be here today. My name is Emily Fielding. I'm the Director of the Maui Marine Program for the Nature Conservancy, and we support this resolution to recognize the importance of the coral reefs ecosystems of Maui County. As you may know, Maui County has nine of the largest reefs in our entire State of the main Hawaiian Islands, and our reefs are very important for many reasons that you'll hear about this morning. I'm here to give support for this resolution for the many community members that are part of the Maui Nui Makai Network and the many agency partners from DLNR that are working to restore and maintain our reefs at least at 12 different sites across 4 islands, so all of the islands of Maui County. Your support for this resolution is really important for, to give from the highest levels of County government to give them the support they need to continue the hard work that they do on the ground, and to also recognize that this resolution is one step, an important step of very many concrete actions that also need to be done. Thank you.

CHAIR COCHRAN: Thank you, Ms. Fielding. Members, any need for clarification of our testifier? Seeing none, thank you, Ms. Fielding.

MR. MOLINA: The next testifier is Amy Hodges and she will be followed by Robin Newbold.

MS. HODGES: Good afternoon. My name's Amy Hodges. I live in Waiehu and I work for the Maui Nui Marine Resource Council. I sat down this morning thinking about what to talk to you about. Should I touch on money or culture, jobs or tourism? All these reasons why reefs are so important to us, and I thought I'd tell you a little story about something I experienced last week on Molokai. I was on Molokai as part of the Ka Ipu Kukui Fellowship for Maui College. We toured all over the island and spent the afternoon at Ka Honua Momona fish pond. When we arrived there, we were greeted by members of the group, and one of the people that greeted us was this really young, small, round-faced boy, about nine-years old. We went around in a circle and we

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introduced ourselves, and when it came to his turn, he kind of looked down at the ground, and was kind of embarrassed, and he said, my name's Shawn Junior. I was born on Oahu, I was raised on top of Molokai, and that's all I do, and it was just like the most heart-warming...like he instantly won us over, right? So we're walking out to the fish pond after we talked story for a little bit, and I'm walking with what I find out is his big sister, and she's like, oh, yeah, you know, I actually had to pick up Shawn Junior a little early from school today because they called him home sick. And so I'm like, oh, really, and we look out, and he's out already in the middle of the fish pond, like, waist-deep, like, showing everybody, like, oh, this fish; we got these crabs here, like, this is how we use the gate, this is how we build our wall, and he's just so excited, and where he was so shy before. It's just exuding out of him, right. So I look at him and I'm, like, this is what it's all about, right? Like, I'm, like, this is it. It's not about all these other things. Like, this is what we're responsible for. So Shawn's doing his part. He's doing what he can as a nine-year old. He's talking about how he's collecting crabs and they're like cooking dinner for, like, the kupuna of his community. It was just amazing. And so when I go back to Molokai in a couple of months, 'cause I'm going back, I'm, like, in love working on this fish pond, and I'm going to stand there and look at Shawn Junior, and I want to be able to look at him and say, you know what, you're not alone in this. Like, you're doing your part, what you can as a nine-year old; I'm going to do my part too, make sure that this resource is here for us, and you know, your County Council is doing their part too. We got your back on this. Let's stand together and take care of what's important for us. So that's my story. I urge you today to take this important step forward in recognizing the importance of our reef ecosystems. It's an important first step to put down on paper and make it known that we recognize how important this is. Yeah, let's be leaders today. Thank you.

CHAIR COCHRAN: Thank you, Ms. Hodges. Members, any need for clarification of our testifier? Seeing none, thank you.

MR. MOLINA: The next testifier is Robin Newbold and she will be followed by Russell Sparks.

MS. NEWBOLD: Aloha, Chair, Madam Chair, and County Councilmembers. Thank you for having us today. My name is Robin Newbold. I'm testifying on behalf of myself and also on behalf of the Maui Nui Marine Resource Council. I chair the Maui Nui Marine Resource Council. I support the resolution, as I'm sure you could guess. Recognizing the importance of protecting the reefs, both because in my opinion it's the right thing to do, and it's also the wise thing to do. I think it's the right thing to do to protect our shores because it will protect our shores. The reefs protect our shores from storm waves. They provide food and recreation for our people. They provide habitat for many creatures and all the fish that we enjoy either looking at or eating, and they preserve cultural practices. I think it's the wise thing to do because healthy reefs attract millions of visitors to our island and that supports our economy. I'm reminded of a recent visit I made to Palau where people from all walks of life, from government officials to villagers were telling us how much better the economy was there since they banned the...prohibited foreign fishing boats, and they set aside large areas of the reef for protection, and voilà, lots of visitors came, and so their economy's better. I also noticed that they had a whole more fish to eat because for every meal that they

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brought all of us, and they created these wonderful meals, they were just filled with fish and seafood so it seemed to be working from that angle too. We were all whale watching the other day, I thought of the economic benefits to Maui that we now take people whale watching instead of people going out and killing whales like they did in the old days. And from these two stories I was thinking that both the reefs and whales are worth much more to us alive than they are dead, because they're like the gift that keeps on giving, right, that people just come back over, and over, and over again to our beautiful island to see vibrant reefs, and to whale watch. So I totally support the resolution, and I appreciate you considering it. Thank you.

CHAIR COCHRAN: Thank you, Ms. Newbold. Members, any need for clarification of our testifier? Seeing none, thank you.

MR. MOLINA: The next testifier is Russell Sparks and he will be followed by Mike Moran.

MR. SPARKS: Good afternoon, Chairwoman Cochran and Members of the Council. My name is Russell Sparks and I'm here actually on my personal capacity, however, I thought it important to point out that I do work for the Division of Aquatic Resources as an aquatic biologist, and the Division of Aquatic Resources has paid for us, myself and Darla White, to be involved in this effort for many years, both serving on the Coral Reef Recovery Team which advises and has come up and helped develop the plan that you're looking at, but also, as we move forward, the recovery team which is more involved with guiding and overseeing, and helping out with the implementation. So and, you know, the Division of Aquatic Resources staff, myself and Darla White, are just a fraction of other agency people from many different agencies, as well as really top-notch marine scientists all over the State, so this is not just a willy-nilly group of people that got together and decided to try to come up with a plan. There was a lot of thought and effort went into this, and I just wanted to make sure that all of you folks, as you consider this resolution, are truly aware of the level of professional involvement that went into this. That's all.

CHAIR COCHRAN: Thank you, Mr. Sparks. Members, any need for clarification? Seeing none, thank you for your time.

MR. MOLINA: The next testifier is Mike Moran and he will be followed by Tova Callender.

CHAIR COCHRAN: After Mr. Moran we'll go to our District Offices.

MR. MORAN: He's very tall. Aloha, Chair Cochran and Committee members. Mike Moran, President, Kihei Community Association, testifying for the organization on IEM-27. KCA has long supported preservation of natural resources, including the coral reef system. Several years ago we participated in a program of placing coral reef etiquette signs all around shoreline areas, and placed several in our area which still stand proudly and educate visitors every day. I see them and talk to them. A quick visual aid. I'm sure if you go to any of our beaches or boat ramps you see these beautiful signs and this is just a poster showing what they look like. So when this matter came up for discussion at KCA, someone posed a question, who would oppose this? I can't imagine any of the Committee would, nor anyone in this room. In fact, is there anyone

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in Maui County who does not recognize the importance of protecting and enhancing our coral reef system? Chair, your people have known this for centuries. We have several government agencies such as NOAA and DLNR, Russell just spoke about, who know this and we have laws in place to do so. We know all the reasons to do so. So we concluded everybody already knows this and supports it. This is nothing new, right? There is probably no way to quantify the value of it, but perusing some sources of information, we came up with coral reefs worldwide value was placed at 3 billion-billion, or \$150 quintillion. NOAA came up with \$33.57 billion for Hawaii. With all of this, why are we supporting this Maui Nui Marine Resource Council resolution? Because when we look around our nearshore waters, we see reef destruction and decimation almost everywhere. It is our understanding that Olowalu is the only healthy one left, and that is almost constantly threatened by pollution and runoff. So we conclude that while everyone knows this, there are some who just do not care who place a higher personal value on short-term monetary profit and the rest of us and the future generations be damned. So an action such as this can offer support and a reminder to the rest of us to be vigilant to look around and say, no, not on my watch. And just as a quick example of KCA's support of this concept, our meeting next month, March 17<sup>th</sup> or our Green meeting, is on the coral reef system and nearshore water quality, and some of these experts that are giving testimony will be there then. Thank you very much for the opportunity. Aloha.

CHAIR COCHRAN: Thank you, Mr. Moran. Members, any need for clarification? Seeing none, and Jordan, do we have any testifiers from the District Offices? We'll check in. Hana, Ms. Lono, anyone there to testify?

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

CHAIR COCHRAN: Thank you. And in Lanai, anyone wishing to testify?

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

CHAIR COCHRAN: Thank you. And on Molokai, anyone there to testify?

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

CHAIR COCHRAN: Thank you, ladies. If anyone does show up, please notify Mr. Molina here, and we shall accommodate their testimonies. And next, looks like we have Ms. Tova Callender. Aloha.

MS. CALLENDER: Good afternoon. Thank you, Chair. Thank you County Councilmembers. My name is Tova Callender and I'm a resident of Kihei. I'm in support of the County resolution recognizing the importance of protecting and enhancing coral reef ecosystems in Maui County. I work as the watershed coordinator for the West Maui Ridge to Reef Initiative. The goal of this initiative is to find and address the sources of land-based pollution that are stressing the reefs in West Maui. This initiative brings together Federal, State, local, and community partners who in the last two years have secured more than \$1 million of agency funds and roughly \$400,000 of community match to support pollution reduction implementation projects in the area. We have a

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tough sell because none of the actions in our watershed management plan, which is what we follow, are actually regulatorily [sic] required, and so we are beholden to the desire to do the right thing. It's a difficult task that the County has in balancing all the different interests that are out there, and I appreciate the support that the Ridge to Reef Initiative has had in the past, however, directors from departments in our County have told me previously that they would like to support our projects, which to date have come with funds to support capital improvements, but could not because coral reef protection was not a priority for the leadership of this County. In adopting this resolution, it's my hope that coral reef ecosystem protection and enhancement will become a priority, and that we will see that reflected in the actions of the County departments. On a personal note, I live in North Kihei, one short block from the beach paralleling one of the largest tracks of contiguous beach reef in Maui. I see South Kihei Road being undermined by storm surge and recognize that in this changing climate we rely on the wave energy dissipating abilities of the reef to slow down the damage to this primary access route, and this is the case in many coastal areas in Maui. My family and I take great pleasure, stand-up paddling, surfing, kayaking, and kiting on the beach by our house. There's nothing like those calm days when you're in the ocean and you can look down, and explore the reef and all the life in there from above. I taught my nephews to snorkel on the reefs, to love and respect the ocean, and I want the awe and the wonder of those reefs to be there for the next generation when their kids are here. Thank you for adopting this resolution that reflects how important coral reefs are to our community, and the recognition that their protection is within our collective ability to act. Thank you.

CHAIR COCHRAN: Thank you, Ms. Callender. Members, any need for clarification from our testifier? Seeing none, thank you. And, sorry, excuse me, but I want to introduce our Council Chair, Mr. White. Thank you for joining us.

COUNCILMEMBER WHITE: Aloha, Chair.

CHAIR COCHRAN: Aloha, nice to have you. And next testifier.

MR. MOLINA: The next testifier is Dick Mayer. He will be followed by John Fitzpatrick.

MR. MAYER: Thank you. My name is Dick Mayer and I would like to testify not on the ones that other testifiers have gone on, but on the sustainability item. You have the green piece of paper that was handed out. I'd like you to refer to that. This is regarding sustainability. The 2012 Charter Commission discussed sustainability for proposed Charter amendment. The Commission's initial proposal contained the following language which gives an idea of what was intended when that proposal came up, and these are two of the items in there. Guide efforts to maximize opportunities for natural resource protection, conservation, and restoration, and number 5, there, coordinate and develop policies and initiatives that integrate sustainable resource development, support local food and energy production, and establish partnerships with agencies and organizations to implement programs, policies, and projects that promote sustainability. The Charter Commission simplified that. They took that all down, and put it into a question for the public which the public voted on, and overwhelmingly adopted in 2012 election, and that read as follows: shall Section

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8-15.3 of the Charter of the County of Maui be amended to add the following to the Powers, Duties, and Functions of the Director of the Department of Environmental Management, and this is the question, guide efforts to optimize opportunities for environmental, natural resource protection, sustainability, conservation, and restoration? The original wording of numbers 4 and 5 above may help the County Council determine the intent of the Charter amendment, and I want to thank Ms. Crivello, who was a member of the Charter Commission, who debated this and put this forth for the public to vote on. Now you're charged with the task of how do we implement sustainability? There's nowhere in the present structure of the County government to really look at this issue, and this is the first time that we have this really front and center. What's really interesting is that the Maui County...the Maui Countywide Policy Plan which you all adopted in 2010, which I have listed here below, has 42 references to the word "sustainability". This was one of the highlights. When we , on GPAC, and I was Vice-Chair of GPAC, heard testimony of the public, over and over, and over, and over again, that was something that was heard. It went to the Planning Commission. You folks debated it, and that was one of the areas that did not receive any opposition. There were things in the recommendations from GPAC that you changed. This was one area that you didn't change that you gave strong support to in your adoption of the Countywide Policy Plan. I'd like to turn to what this might mean for the County. Right now, we have an implementation division within the Planning Department, but they don't have the tools. There are two or three people there; they don't have the ability to actually carry out programs that would help Maui County become more sustainable. That's why I think it's very important for you to give the charge to the Environmental Management Division. If they could bolster their staff --

MR. MOLINA: Three minutes.

MR. MAYER: --get the funding to carry out what they need, I think that would be very important. And I've listed here many of the things in the Countywide Policy Plan which are really integral to the vision I think the people of Maui have for their County. Please include a strong definition of sustainable, sustainability, and make sure that it gets implemented by this Department whether this Director does it or future Directors, it's very, very important. Thank you.

CHAIR COCHRAN: Thank you, Mr. Mayer. Members, any need for clarification of our testifier? Seeing none, thank you very much for your testimony, Mr. Mayer.

MR. MAYER: Thank you.

MR. MOLINA: The next testifier is John Fitzpatrick and he will be followed by Larry Stevens.

MR. FITZPATRICK: Aloha ka kou. My name's John Fitzpatrick. It's no secret that the ocean's my passion and my love, and our coral reefs, I don't know what I would do without 'em. Today I'm not here to talk about...or I have...also it has compelled me to get a B.S. in marine biology and my Master's degree in zoology where I studied population genetics of parrot fish, and Bob Richmond was one of my advisors and mentors, and he will be telling you numbers, guys, all the numbers later on so

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hopefully, you can take that into account when you support this. So yeah, I am here to support the resolution to protect and enhance the coral reef ecosystems on the island of Maui, Molokai, and Lanai. And I think we can all agree that coral reef ecosystems are vital for our economy, for our subsistence, and just for our general well-being 'cause we go out there on the reefs and it makes us happy; it makes us feel like we're loved when all those fish swim around us, and I just really hope that we can all get together and become a team in order to lead a fight to put the environment first. And I do apologize for missing your swearing-in ceremony, but I had a chance to listen to Billy Kenoi speak to you guys on that day on TV, and I'm just really hoping those shakas and those smiles get you all to vote "yes", and vote for this resolution. All right, so I'm hoping for a landslide vote and I'm hoping for you guys to tell all your colleagues to pass this, and I'm looking for a 9-0 vote "yes" on this one. As a sailing captain and a kayak guide, I take visitors out on the reefs every day, and oftentimes tourists come out of the water and they go, hey, where's all the fish? And I can just say, hey, we're not protecting our reefs as much as we should be and we're not putting them first, and it's really vital that we protect these coral reef ecosystems so they can go, whoa, look at these coral, all this coral, look at all these fish, 'cause that way they'll keep coming back. If they go home and they tell people oh, don't go to Maui because there's no fish left then everyone in the hotel industry's going to lose out, so as a tourism industry it's really important that we put our coral reefs first, and also our watersheds, that way our watersheds aren't affecting our coral reefs negatively. So this morning I came across a quote that Ansel Adams said, and he said, it's horrifying that we have to fight our own government to save the environment, and I think I'm here, and I think all of us are here to say that we're going to fight for coral reefs, and we're hoping that you guys are going to join in the fight with us, and I think a really good sign of you joining in this fight is passing this resolution to say that our Maui County Council is going to take our coral reefs seriously. So thank you for your time, and let's work together. Mahalo.

CHAIR COCHRAN: Thank you, Mr. Fitzpatrick. Members, any need for clarification of our testifier? Seeing none, thank you.

MR. MOLINA: The next testifier is Larry Stevens and he will be followed by Robert Richmond.

MR. STEVENS: Hello, Chair. Hello, Councilmembers. My name's Larry Stevens and I work with the Maui Nui Marine Resource Council. I wanted to not repeat the things that others have said in reminding us all about the importance of our reefs, because I think we all understand that at this point. I wanted to just underline the idea that for many of us we haven't really known, well, what do we do? It's happening; the beaches are shrinking; the reefs are dying; the fish are disappearing. What do we do? We can't stop development. We have to, you know, keep people working, we have to run our economy. We want our visitors to keep coming, but what do we do to protect these resources? The fantastic thing about the Maui Coral Reef Recovery Plan is that it is chock full of ideas and programs that we can adopt that are practical which will make a difference to our fish, our reefs, and our economy. So I strongly urge you to support this plan. I think it's really a beacon of ideas about how we can make a positive impact on our County. Thank you.

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CHAIR COCHRAN: Thank you, Mr. Richmond [sic]. Members, any need for clarification? Seeing none...

MR. MOLINA: The next testifier is Robert Richmond and he will be followed by Irene Bowie.

MR. RICHMOND: Good afternoon, Madam Chair and Councilmembers. My name is Robert Richmond. I'm a research professor at the University of Hawaii at Manoa and the Director of the Kewalo Marine Laboratory, and I've also had the pleasure of serving as the Chair of the Maui Coral Reef Recovery Team, and I'm here to speak in support of the resolution, IEM-27. I've personally been studying coral reefs for 40 years. I started with a full head of hair. You can see where I am today, and there's no question that the Hawaiian Islands are a very special set of coral reefs. I started studying those back in 1979, and Maui still has some of the best reefs in the world so you can truly say Maui no ka oi regarding your coral reefs. The problem is the level of decline is occurring here as it is elsewhere, and as part of the Maui Coral Reef Recovery Team, as said by the previous speaker, we think there is some very good information there to help guide efforts at allowing natural recovery to occur. You have excellent people here in the Division of Aquatic Resources. Excellent people within the Maui Nui Marine Resource Council, and other assets, and I simply implore you to take advantage of the wonderful people that are here, of the knowledge that exists, and to really look at going beyond outputs like resolutions to achieve outcomes, and I say this not only as a coral scientist who's devoted most of my adult life to studying them, but also as a parent who really does feel responsible for the legacy that we leave to the future. Thank you very much.

CHAIR COCHRAN: Thank you, Mr. Richmond. Members, any need for clarification? Seeing none, thank you for your time.

MR. MOLINA: The next testifier is Irene Bowie and she will be followed by Darla White.

MS. BOWIE: Good afternoon, Chair and Committee members. I'm Irene Bowie with Maui Tomorrow Foundation. Maui Tomorrow's mission is the protection of cultural and natural resources, and the promotion of smart-growth principals, and I think two of the items that you have on your agenda today are very related to that. Maui Tomorrow absolutely supports the resolution recognizing the importance of protecting and enhancing the reef ecosystem of Maui County, and we hope that this resolution that you will, number one, pass it, but we also hope that it will become a working action that you will look to as you decide on development and infrastructure projects that you'll really have this be a tool that you look to rather than just a resolution that we're happy about, but that it becomes a tool that you use in deciding how things should, should go forward, and what conditions projects should have on them. Moving on to number 55, the definition of "sustainability", I would say that, number one, I'll read you a great definition, and this is from Aldo Leopold, "We abuse the land because we regard it as a commodity belonging to us. When we see land as a community to which we belong we may begin to use it with love and respect." I would add another definition and that would be, simply, "preserve resources for future generations". I'm concerned that this is in the purview the Department of Environmental Management in light of the upcoming audit of that Department, and

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concerns that, you know, a number of us in the environmental community have with actions of Environmental Management Department. I wish that we could see a presentation before we give testimony as, you know, we would have more specific questions, but I would say that we need to definitely look at the much talked about three-legged stool of economic, environmental, and social impacts when we look at projects. We are definitely needing to consider climate change, urbanization and sprawl, energy renewables versus imported fuels, ocean acidification, and sea-level rise. All of these things are happening now, and we need to recognize them and move forward in a sustainable way. I question the continued use of injection wells at our wastewater treatment facilities and not further movement in recycled water, particularly at the Central Maui plant. The Department of Environmental Management's not embracing zero waste programs. I sat in one of the Committee's, last year, presentations from Kauai and saw how effective that program was, and it was not embraced by Environmental Management. We still have questions about leachate from Central Maui Landfill and what's going on with that. We can never get a clear answer on whether some of that is going down the injection wells. So again, it's ironic that we're having a resolution to preserve the reefs while we're also saying Environmental Management, you know, you look at sustainability. So I hope there's a way that we can put, put some real teeth to these things. And I would lastly just ask a question. Last year we were looking at the Environmental Coordinator for the County of Maui being a part of Environmental Management Department and expanding that Department. I'd like to know if that is moving forward because I think that was a really good idea. We need to bring the "environmental" into Environmental Management. Thank you.

CHAIR COCHRAN: Thank you, Ms. Bowie. Members, any need for clarification of our testifier? Seeing none, thank you, Ms. Bowie.

MR. MOLINA: The next testifier is Darla White.

CHAIR COCHRAN: Oh, real quick, Jordan, sorry. Ms. Bowie, did you have anything in writing to hand in today or?

MS. BOWIE: I can.

CHAIR COCHRAN: Okay. Great. If you would, please. Thank you.

MS. WHITE: Good afternoon. Thank you so much for bringing this to the, to the Chair, or to the floor. My name is Darla White. I am here testifying on behalf of myself. I am in full support of agenda item IEM-27, and that is the recognizing the importance of protecting and enhancing the reef ecosystems in Maui County. I am here on behalf of myself, but I do work as a marine scientist for the Division of Aquatic Resources, and a member of the Maui Coral Reef Recovery Team. This is an excellent plan, as people have mentioned, with a lot of wonderful ideas. It's a very positive step in the right direction for the future of linking, or recognizing the fact that it's all connected from mauka to makai. The reefs are part of our watersheds. They're a part of our ecosystems. They're a part of our lives and our communities, and we have to bridge this jurisdictional boundary, and this is a really lovely way to do it by please

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recognizing that the reefs are affected by things that happen on land, and everything that we do is connected. And that's really all I want to say, and of course, second everything everybody else said.

CHAIR COCHRAN: Thank you, Ms. White. Members, any need for clarification of our testifier? Seeing none, thank you very much.

MR. MOLINA: The next testifier is Edwin Lindsey and he will be followed by Tegan Hammond.

MR. LINDSEY: Aloha, Chair. Aloha, Councilmembers. My name is Edwin Lindsey. Most of you know me as Ekolu. I'm here to testify on IEM-27, support the resolution for the Maui County reef, and I'd like to resonate everything that was already said by those very akamai people we have in the audience today. I've had the honor of sitting with them and discussing this coral reef recovery plan in many meetings, and it's a process that can make things happen. And this idea was really conceived about ten years ago, taking my dad and my son, who was five at the time, in a canoe in front of our house, and wondering, how come no more fish? Corals was kind of sick, and in my non-scientific way I'd say, it's got a temperature of about 101 degrees. Not reaching the tipping point yet, but we need to rectify the problems that are there, and by having like Dr. Bob Richmond and Dar involved with the many scientific discoveries that they have to help us out from the community level, I can take those information, take that information and suggestions, and make it happen in front of our place. Polanui Hiu, which is the organization that I represent, has been selected as one of the recovery sites, and with that help from them we can make things happen. If it wasn't for our reefs in front of our place on Front Street, my grandparents' place, the big tsunami that had come through from Japan would've just decimated us. If it wasn't for those reefs, it would be tragic, tragedy all the way around. So it's these small seeds that we plant ten years ago and brought to life here, add some fertilization, and some support from you guys, making that seed grow a little bit more, and we can make things happen. We can have vibrant reefs. We can save property. Going take long time, but can save 'em for the next generation, can have more fish to eat, we can have limu to eat that no taste like sunscreen, and everything is ono, we can have plenty of lobster, and all that stuff at night that come out at night too. So please support this recovery plan so that we can save things for tomorrow and beyond. Mahalo.

CHAIR COCHRAN: Thank you, Mr. Lindsey. Members, any need for clarification of our testifier? Seeing none, thank you for your time.

MR. MOLINA: The next testifier is Tegan Hammond and she will be followed by Rob Parsons.

MS. HAMMOND: Aloha, Chair, Council. Thank you so much for having us. My name is Tegan Hammond and I'm here to support IEM-27 in recognition of the importance of the coral reefs, and I'll be, have the opportunity to share with you guys a little bit more later, but just in taking off my Rain Resource Council hat and sharing a little bit about where I came from. I worked for the last 5 years on Oahu for a group called Malama Maunaloa, and it was a restoration project of an 8-mile piece of coastline that in 60 years had seen a great transition from very rural setting to a place where 60,000

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people lived, and there is a lot of, a lot of changes there. And as we were working with agencies, and communities, and business owners, the one thing that was very apparent to me was that nobody wanted dirty water, and nobody wanted no more fish, and everybody was very interested at every level, from concern for the future generations to their businesses that operated out of that area, to concern for just the environment itself. And I hope that those lessons learned can be valuable over here, and I'm very grateful to be a part of this fabulous council that's working together with everybody in a collaborative way to provide some good information for that, and thank you very much.

CHAIR COCHRAN: Thank you, Ms. Hammond. Members, any need for clarification of our testifier? Seeing none, thank you.

MR. MOLINA: The next testifier is Rob Parsons. He will be followed by Bill Frampton.

MR. PARSONS: Aloha, Chair Cochran, Committee members. My name is Rob Parsons. I'm entering my ninth year of serving this community as Environmental Coordinator, and I've been really appreciating all the comments of the people that spoke before me. I'd like to speak on two agenda items, the two that have been previously discussed here, IEM-27 and 55; but before I say that, I just want to applaud this Committee for kind of taking a overarching view on two very vital topics. You know, I think that there's a tendency to get compartmentalized with what's...the issues before each committee, and whether it be housing, social services, you know, the dozens and dozens of issues that this community faces. Sometimes it's good to take a step back and say, how is this all connected? Back in 2007, the eminent Canadian ecologist, David Suzuki spoke at the Maui Arts and Cultural Center, and he said something that has stuck with me since that time. He said, in nature everything is connected, but to humans in urban settings, we tend to forget that. So this resolution is a reminder that we are connected with the health of the coral reef, our health, our community health, our island's health, the entire ecosystem of this island is connected in a very palpable way. And it might be easy for you as decision-makers to say, you know, what happens from the shoreline out to three miles is the State's kuleana, but really it's all of our kuleana. So I'm really encouraged that this resolution to support the protection and enhancement of coral reefs is before you today, and you know, I testified on this last year with slightly different wording, and we had a similar amount, about 15 people testified. I'm glad to see that the crowds came out today to give this strong support, and I'm...as one who has reviewed the grants and worked with the Maui Nui Marine Resource Council and some of the other organizations represented here today, I just gotta say they're outstanding in the work that they do, and how they've demonstrated care for this precious resource that we all share. Secondly, on the IEM-55, it seems that there's two things before you today. One is the definition of "sustainability", and I'll hand this to Jordan here so that he, or, so that he can share it with all of you. This is captured in the Hawaii 2050 Sustainability Master Plan, and it says, Hawaii's first definition of "sustainability" is a Hawaii that achieves the following: respects the culture, character, beauty, and history of our State's island communities, strikes a balance among economic, social, and community, and environmental priorities, and finally, meets the needs of the present without compromising the ability of future generations to meet their own needs. And that last part is, actually, dates back to

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1987, when the United Nations convened the Brundtland Conference, because they recognized that our consumptive ways as human beings on this planet is endangering the natural resources of the planet and then the communities that depend on them. So that wording is directly from the Brundtland Conference and is universally accepted as definition of “sustainability”. Well, the second thing before you is how to go about adopting what was passed by the voters in 2012 as a Charter Amendment, and as Mr. Mayer before me said, Ms. Crivello, our Molokai Councilmember, has had the opportunity to wrestle with this not once, but now a second time, and 66 percent of the voters voted “yes”, that they would like to see environmental protection and sustainability as part of the powers, duties, and functions of our Department of Environmental Management. Last time this came up during Budget last year, there were some who questioned if this is the right place for it, and they said it belongs in the Mayor’s Office or Managing Director’s Office, maybe in Long-Range Planning. Well, the Charter said it shall go, it shall be part of the powers, duties, and functions of the Director of Environmental Management, but if there’s another plan that you feel is better, I think the discussion begins here. I don’t want to see us take any more time in stepping forward as the other counties have done in selecting a sustainability coordinator who can then link us with Statewide efforts with Hawaii Green Growth and other initiatives going on. Truthfully, the State is wrestling with the same thing. They brought in a State sustainability coordinator a year and a half ago who is housed in DLNR. It’s not clear whether she will be moved to the Governor’s Office or kept in DLNR so this is an ongoing discussion; it’s not unique here, and I just want to volunteer my services --

MR. MOLINA: Three minutes.

MR. PARSONS: --however possible in helping you reach something that will let us better address these issues that are before us. And just in conclusion, I had some bullet points here, and this one might be the most viable, is we need coordinated efforts to address all the elements of sustainability from natural environment to local food production, from renewable energy to green jobs, and I think the way to do that is to start with a sustainability coordinator, and that will be step one. And I also like the idea of a whole division of environmental protection and sustainability, that might be second step down the road. Thank you.

CHAIR COCHRAN: Thank you, Mr. Parsons. Members, any need for clarification of our testifier? Seeing none, thank you.

MR. MOLINA: The next testifier is Bill Frampton and he will be followed by Terez Amato Lindsey.

MR. FRAMPTON: Good afternoon, Chair.

CHAIR COCHRAN: Aloha.

MR. FRAMPTON: Good afternoon, Members of the Infrastructure Environmental Management Committee. I’m here to offer quick testimony on supporting item IEM-27 and encourage the adoption of the resolution. I’m speaking on behalf of myself, as a

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husband, as a father, as a coach, as an uncle, of all sorts of relationships to many people who value what's going on out there in the oceans. I also am speaking from a perspective of a land use planning consultant and developer, that it's great news that it's 2015 that we're adopting something like this, but it's also a little bit of sad news that it's 2015, and that we've taken this long to take strong action, and I hope that we can work all together to do so. Clearly, we know what happens on land directly impacts the ocean. That's something that's been taught to us for generations upon generations from the host culture, and I think we have...there are proven ways in which we can attack this problem, and the biggest one being stormwater runoff. What happens in the ocean itself I'm not wise enough or bright enough to know. You got fantastic people here who do know, but I do know from what we do on land how we can...there are measures we can take, and we can try to establish coexisting with these relationships with the reef and the ocean, and I hope all of us can be together, working together on this 'cause it's a very worthy resolution, and I appreciate you bringing forward. Thank you.

CHAIR COCHRAN: Thank you, Mr. Frampton. Members, any need for clarification? Seeing none, thank you for your time.

MR. MOLINA: The next testifier is Terez Amato Lindsey and she will be followed by Lucienne de Naie. Lucienne is the last person signed up to provide testimony this afternoon.

CHAIR COCHRAN: Thank you. Anyone else wishing to testify after Ms. de Naie, please sign up at the Front Lobby. And it looks like Ms. Amato is not...okay. So no Ms. Amato Lindsey, but I guess Ms. de Naie will be coming up for testimony. Thank you.

MS. de NAIE: Good day Councilmembers, Committee members, Committee Chair Cochran. My name is Lucienne de Naie. I'm testifying as a private citizen, but also I've been proud to serve on the Maui Nui Marine Resource Council for...well, since it began. Ed Lindsey reeled me in and so, you know, here's a good thing, you like the ocean. Well, this is a culmination of a lot of work, this coral reef resolution supporting the idea that there would actually be a recovery plan for our reefs. 'Course, once again, Maui no ka oi, we're going to be the first to do this, I think in the State, in a large scale. I mean, certainly, there are plans for very specific little reef areas on other islands, but we're stepping up to the plate. This was a great partnership between public and private sector. We had folks from DLNR, DAR, cultural organizations, and then you know, top scientists from the University, from private practice, and certainly from the different agencies, Fish and Wildlife, and so forth. And the idea is if enough people, you know, sit around and want to do something, something will happen, and of course, the proof is in the pudding, is implementing a plan and making sure our reefs go uphill rather than downhill, but we gotta start somewhere, as Mr. Parsons said about our sustainability efforts, and this resolution has had a lot of work. I think earlier concerns have been addressed. The language has been worked over, at least the committee's versions I saw many times, so hopefully, it should satisfy everybody, and I definitely would encourage and recommend that you folks pass it in your Committee. Thank you so much for your time.

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CHAIR COCHRAN: Thank you, Ms. de Naie. Members, any need for clarification? Seeing none, thank you. I guess Ms. de Naie was the last person to sign up. If there's anyone left that would like to, please come down and you can fill out your forms later. At this point, looks like no one's blaring down the hallway to rush for testimony. So Members, and Jordan, nothing from the District Offices, no one called in?

MR. MOLINA: No, we haven't checked.

CHAIR COCHRAN: Okay. Let me do one more round with our District Offices. In Hana, anyone wishing to testify?

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

CHAIR COCHRAN: Thank you, Ms. Lono. Lanai Office, anyone wishing to testify?

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

CHAIR COCHRAN: Thank you, Ms. Fernandez. And on Molokai, Ms. Alcon?

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

CHAIR COCHRAN: Thank you very much, ladies. Members, with that, no one wanting to testify, without objections, I shall now close public testimony.

COUNCILMEMBERS: No objections.

CHAIR COCHRAN: Thank you very much.

**. . . END OF PUBLIC TESTIMONY . . .**

**ITEM NO. 27: RESTORATION OF MAUI'S CORAL REEFS** (CC 13-303)

CHAIR COCHRAN: And Members, we shall now work on our first agenda item which is IEM-27, and it's the Restoration of Maui's Coral Reefs. And on our agenda it is County Communication 13-303, from myself, Councilmember Elle Cochran, transmitting this proposed resolution relating to a coral reef recovery plan for Maui County, and the correspondence dated January 27, 2015, from myself, is a revised proposed resolution entitled, Recognizing the Importance of Protecting and Enhancing the Reef Ecosystems in Maui County. And the purpose of this resolution is to recognize the importance of saving, protecting, and enhancing the reef ecosystems in Maui County. And today, we may consider adoption, with or without revisions, and also filing of this County Communication. So with this, it looks like I will have some administrative officials here. Do we need to take a quick...we'll take a very brief recess to set the room and get all the...our panel together. We are now in recess. . . .(gavel). .

**RECESS: 2:28 p.m.**

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**RECONVENE: 2:38 p.m.**

CHAIR COCHRAN: . . .*(gavel)*. . . Will the Infrastructure Environmental Management Committee, please reconvene. And today, we have Tegan Hammond, Maui Coral Reef Recovery Plan Coordinator and also Robin Newbold, Chair of the Maui Nui Marine Resource Council, and something happened with the screen. We'll get that up and rolling again, Members and public. But I'll have, once Ms. Hammond and Ms. Newbold are ready we can just have some opening comments, and then hopefully, start the presentation here. Or do we need a brief recess? Okay. Quick recess once again. Sorry. Thanks. . . .*(gavel)*. . .

**RECESS: 2:39 p.m.**

**RECONVENE: 2:44 p.m.**

CHAIR COCHRAN: . . .*(gavel)*. . . Will the Infrastructure Environmental Management Committee, please come back to order. And looks like we have our screen up, and again, we have Tegan Hammond and Ms. Robin Newbold here joining us for a presentation. Ladies, if you have any opening comments, go ahead, and then we can go ahead with the presentation. Or introduce yourselves or say a few opening comments, and your microphones are right there if you like.

MS. NEWBOLD: I'm Robin Newbold, Chair of the Maui Nui Marine Resource Council and I greatly appreciate being here today. Can you hear me?

CHAIR COCHRAN: Yeah. Speak directly into the...

MS. NEWBOLD: Okay. I greatly appreciate --

CHAIR COCHRAN: There you go.

MS. NEWBOLD: --being here today and your interest in the Marine Resource Council, and of course, in the coral reef environment so thank you.

CHAIR COCHRAN: Thank you. And Ms. Hammond?

MS. HAMMOND: Aloha, my name is Tegan Hammond. Thank you very much for being here and allowing us to present to you this information, and I work for the council as well for implementing and coordinating the implementation of the Coral Recovery Plan.

CHAIR COCHRAN: Thank you. And Members, you should have the handout also, in hard copy, to follow along, but Ms. Hammond, you may proceed with your presentation, please. Thank you. Or is it Ms. Newbold? Okay.

MS. NEWBOLD: I'm going to start.

CHAIR COCHRAN: Okay.

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**. . . BEGIN PRESENTATION . . .**

MS. NEWBOLD: Mahalo, Madam Chair, for inviting us to speak and Committee members for your interest in the Maui Nui Marine Resource Council. I'll list our goals, our approach, our main projects, and some of our activities, a few of our activities from 2014, and then Tegan will tell you about the Coral Reef Recovery Plan. Our goals for Maui Nui are to have clean water and an abundance of native fish. Our approach remains collaborative. In 2014, we had the pleasure of working with many partners from communities, government agencies, and NGOs. Our four main projects are: Community Managed Makai Areas, water sampling for the Department of Health, implementation of the Maui Coral Reef Recovery Plan, and brown water issues. And some of our activities for 2014 are, the first one is our staff grew. Tegan Hammond, who is at the far right in that upper picture, and of course sitting to my right, was chosen from a very talented pool of applicants to coordinate implementation of the Coral Reef Recovery Plan. Amy Hodges, who's also here today, and you've heard her speak, continues with us. She's now in her third year, and she has an amazingly broad and outstanding skill set to serve as the best project and operations coordinator any organization could have so I'm really happy to have both of them on board. We continue to support the Community Managed Makai Areas and the Community Managed Makai network of six areas, including the participation in their biannual three-day workshop at Olowalu last summer. Tegan will provide more details about that. Both the network and the Marine Resource Council were given an entire session to speak at the Hawaii Conservation Conference last summer, where we also participated in a ceremony with Nainoa Thompson prior to the departure of the Hokulea. We participated in planning the U.S. Coral Reef Task Force meeting that was held on Maui last September. During the four-day meeting, we had three opportunities to interact with task force members and learn what's worked and what hasn't in coral reef protection and restoration elsewhere in the world. Here you see Ekolu Lindsey and Tegan on the task force panel and then of course, posing afterwards. Amy, in and out of the shark tank. Yes, she decided she'd rather go in the shark tank than have to speak to the audience, and that was at Maui Ocean Center, of course, with the DLNR Chair, William Aila. And then Tegan and Amy, hosting a table at the pau hana event for the U.S. Task Force members. The task force recognized the work of both the Marine Resource Council and the Makai Network with an award for being inspirational models of community-based management so we're really humbled and grateful for that award. We have a member of the task force with us today, you've already met him, that's Dr. Bob Richmond, who just introduced himself during testimony, and he'll be on the panel after this talk. Bob also serves as the chair of the Coral Reef Recovery Team. He'll be providing trainings to the communities and a graduate student to support implementation efforts. We're very grateful to Bob for being here today and for all his support. Thank you, Bob. We convened the 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> meetings of the Maui Coral Reef Recovery Team to: a) finalize the recovery plan, b) provide guidance to the coordinator, and c) to plan community trainings. John Parks, who's the fourth from the left in this shot, continued his expert planning, facilitation, and follow-up for each meeting. I don't believe that we would have such a great recovery plan without his leadership. To

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celebrate our 10<sup>th</sup> meeting, Pacific Whale Foundation treated us to a celebratory whale watch. I mean, everyone's got to celebrate the 10<sup>th</sup>, right, like it's your 10<sup>th</sup> anniversary, 10<sup>th</sup> birthday so we celebrated with...out on the water. Where else would a group like ours celebrate? We were honored to have Rob Parsons, and Madam Chair, and her assistant, as you can see in that shot. Her assistant, Amy, joined us along with Emily Fielding from the Nature Conservancy, and Bob Richmond, and the entire team so we had a great afternoon as you can tell from the photo. The Nature Conservancy recognized the Community Managed Makai Network representatives and the Maui Nui Marine Resource Council with its 2014 Award of Excellence. Again, we were just humbled and grateful for such acknowledgement. The Nature Conservancy has consistently been an outstanding and valuable partner for us and deserves much credit for our success to date. Maui continues to face brown water issues. Fisherman claim that these are the cause of declining fish populations, and scientists tell us that sedimentation is the number one danger to coral reefs. Despite that, we continue to have brown water events as Bill Frampton was talking earlier and that these are of concern to all of us. Recent examples on Maui include events at Launiupoko, North Kihei, and Honokohau. So we asked as a council, what can we do to help? We held a two-day workshop of experts and agency representatives, including the Department of Health, to explore how volunteers might help DOH address the issue of, yes, insufficient data. The group decided to take on the arduous task of writing a quality assurance project plan, securing lab space, and training volunteers to collect water samples that will be useful to DOH in the future. During 2014, the Marine Resource Council representatives collected water samples and took photos of a continuing brown water event on West Maui. Both were extremely useful to the Department of Health. We followed that up by inviting the developer's project manager to our Clean Water Committee meeting. We met with her onsite and we're supporting her efforts to reduce impacts from an unfortunate and very difficult situation. We would like to begin discussions with other developers and County planners to design practices that will effectively reduce sediment impacts in the future, as Bill was talking about us doing earlier. We continued outreach efforts with the quarterly beach cleanups at Olowalu, as you can see, we just had one last Saturday, and East Maui Taro Festival, the Hana Limu Festival, and other such events. In summary, we will continue to support Maui County's efforts to maintain a healthy economy by safeguarding our coral reefs which attract millions of visitors each year and which play a key role in the cultural and subsistence aspects of island life, not to mention of course, protecting the fish. Mahalo to the Mayor's Office of Economic Development, especially to Teena Rasmussen, and to Rob Parsons for their continued support of the Maui Nui Marine Resource Council. Mahalo for your attention and I'll turn it over to Tegan.

CHAIR COCHRAN: Thank you, Ms. Newbold. And Ms. Hammond, the floor is yours.

MS. HAMMOND: Hey, thank you so much, Robin, for the update on the Council's work this year. I'm going to share with you all an update on the current efforts in moving forward with the reef recovery in the communities, and what that means this coming year for projects and activities, and taking a moment, just briefly, to review some highlights of the recovery plan for those of you guys who are still getting familiar with it. As many of you are already aware, in recent years the council and the Maui Coral Recovery Team created the guiding document that provides an excellent roadmap by

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which meaningful reef restoration activities can be guided, and I just wanted to briefly review that, the highlights of that plan. So essentially, this was a year's making, many, many meetings, and facilitated by John Parks, as Robin mentioned, a great help in that process. The Coral Recovery Team met and created four essential goals to be achieved between 2015 and 2025. And briefly, those are, Goal 1: to provide evidence of coral recovery at selected sites around Maui. So in essence, we want to know that what we're doing and prescribing is having an impact. Goal 2: using science to advance knowledge, improve understanding of the state of Maui's coral reef ecosystems, and document coral recovery. Goal 3: strengthen public awareness regarding the status of threats to and trends facing Maui's coral reefs. And Goal 4: to strengthen the capacity for effective coral reef management on Maui. And this plan also outlines some very straightforward strategies and practices as a prescription, so to speak, a recommendation for how these goals can be achieved. And just briefly, they're broadly covered in these four categories. So you have direct restoration prescriptions which essentially include things like reducing nutrients and sediment inputs. There's a variety of other ones, but I'm just including one example for each of these categories for you all, but I definitely encourage you guys to download a plan, and to view it as a resource for you, and also invite you to ask us questions at any time. The cultural and traditional...I'm sorry, indirect restoration includes things like increasing community involvement in coral reef management so that's partly the network involvement, the activities that we're leading at the community level. The cultural and traditional management includes promoting and supporting local marine resource management leaders. And engaging community partners in expanding the network of collaborations that are currently going on, and we do recognize that as all of the great testimony that was shared this morning, the reefs are in everybody's great interest for us all to protect at so many levels of our economy, of our community culture, and in creating those collaborations, we hope that we can promote better solutions and work together. So some of these projects and activities, what does, what does all of that just mean actually? What does that translate into this year for us? Those are all very, very big goals, very important goals, long-term goals, and we have broken this down into this next year to focus on a handful of things that we can deliver on to meet a variety of these goals, so one of these items is the State of the Maui's Reef Report. So as you probably are aware, we have a number of agencies, NOAA, we have Department of Health, Division of Aquatic Resources, independent researchers from the University systems. They all do research and collect great data on the reefs, but I'm not sure that that's easily compiled into one place where we can, in essence, you know, ask ourselves, how is the reef doing? And so that's a big project for us this year, to be able to present to you folks a report card, so to speak, of something presented in a meaningful way. The Maui Coral Recovery Team has gotten very excited about providing some additional trainings to the community priority sites, and that will take form this year, and supporting the network, as well as Polanui Hiu, who you heard from Ekolu earlier. There's a variety of ongoing events that are open to the community for involvement. Robin mentioned the Olowalu Beach cleanup. There's reef surveys that happen every month. Everybody's invited to join the council meetings, Clean Water Committee meetings, and then of course, continuing to build partnerships in the spirit of supportive and innovative collaborations. So just quickly, this is, I'm just going to go back over really briefly some of those items that I just mentioned. This is just a sort of working sample of the reef report card that we're

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looking at. We'd like to be able to give you folks a snapshot of what the pulse is of the reef, and so you'll be able to see at a glance, what the state is, and what would be the trajectory of these locations through time, and also represent what the community is achieving in the work that they're doing throughout the years. That's the hope aspect of this all. I would, I would like to think that the community stepping up provides a great, a great guide for us. So these are some of the pictures of the trainings that have happened in the past and the gatherings. This one's down at Ekolu's place in Polanui, and so again, these will, these will continue throughout the year. And just a list here, quickly, of those events as we have an open invitation for you folks to get involved. We also encourage you folks to consider us as a resource. If you have any questions, things that you need, Councilmembers, if you have anything that you'd like some more resources on, please, please look to us for information. If we can help you in anyway, we'd be happy to provide you with as much as we can. Regular beach cleanups, all the meetings that happen monthly I just mentioned, and of course, staying in touch on our newsletter and social media. And great mahalo to you all, and to Rob, and Teena, and the Office of Economic Development for your continued support. And I'll just leave with a slide of our founding member, Ed Lindsey, and the olelo noeau, `A`ohe hana nui ke alu `ia. No task is too big when done together by all. And ask if there's any questions you have?

**. . . END OF PRESENTATION . . .**

CHAIR COCHRAN: Okay. Thank you. Thank you, Ms. Hammond, and Ms. Newbold. And at this point, I think we're going to recess to bring down, we have a whole table set up for a panel. But real...just a clarification, Ms. Newbold, under the brown water photos, that's Honokahua, is that right? Not Honokohau?

MS. HAMMOND: Yes.

MS. NEWBOLD: Yeah.

CHAIR COCHRAN: Yeah. Okay, just to, yeah, clarify. Thank you very much. And yes, or as our County park, it's D.T. Flemings area, so unfortunately, that had occurred recently and we hope to make sure that it doesn't reoccur, but thank you. And at this point, we'll be in a brief recess. . . .(gavel). . .

**RECESS: 3:01 p.m.**

**RECONVENE: 3:03 p.m.**

CHAIR COCHRAN: . . .(gavel). . . Will the Infrastructure and Environmental Management meeting please reconvene. Thank you, ladies, for that wonderful presentation, and Members, we have set up our resource people here. First, I'd like to introduce from Administration though, Richelle Thomson with Corporation Counsel. Thank you for being with us. And I will have each member introduce themselves, and please share your area of expertise related to coral reefs, and any opening comments you might have, and the floor will be open for questions and discussion with the Members and

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yourselves. And I suppose we'll start with Ms. Hammond, okay, and we'll work our way down the table here.

MS. HAMMOND: Okay. Aloha, my name is Tegan Hammond again. As I mentioned earlier, my expertise is in community leadership for reef restoration. Prior to joining the Council I worked with the Malama Manalua effort and was part of the Great Huki, which was a 26-acre reef flat clearing project that was funded in large part due to the community interest that we had built up, and then was funded through one of two environmental restoration projects in Hawaii to receive ARRA funding through the stimulus project. So that was a \$3.4 million project, and we cleared out over 3 million pounds of algae, and I'm proud to say I had a hand on many thousands of pounds of algae, and led many thousands of people in those events cleaning up the ocean as well as land-based stream cleanup programs. And I have a degree in Hawaiian language, and I've been a certified advanced scuba diver for 22 years, and enjoy paddling and surfing, and canoeing, and spearfishing, and otherwise just being in the ocean in general. Thank you very much.

CHAIR COCHRAN: Thank you.

MR. RICHMOND: Good afternoon. My name is Bob Richmond. As I said previously, I've been having the great pleasure to serve as the chair of the Maui Coral Reef Recovery Team. My professional experience is as a coral reef scientist. I presently serve as a research professor and the Director of the University of Hawaii at Manoa's Kewalo Marine Laboratory. For those of you who know Oahu, that's Point Panic, great bodysurfing spot, and I've worked on coral reefs since 1974. I lived and worked at the University of Guam Marine Laboratory for 18 years until my wife said, 18 years on Guam is enough, where are we going? So we came back to Hawaii, and I began my work in Kaneohe Bay back in 1979. I serve as a science advisor to the U.S. Coral Reef Task Force. I've had over 30 years of experience working in Hawaii and the Pacific islands as "pet scientist" to a number of governments, and the role I play here is to try my best to bring a good knowledge, a good science to the decision-making process. Thank you.

CHAIR COCHRAN: Thank you.

MS. NEWBOLD: I'm still Robin Newbold. I'm the Chair of the Maui Nui Marine Resource Council. My background is having taught...I'm a marine biologist. I had a professor position at a college in California, and would come to Maui on my breaks, and thought that when I really grew up I would live here someday, and sure enough, I am. I first met Bob Richmond actually in Guam, I don't know if he remembers that. I was there on a sabbatical leave from the college, going around to the various islands in Micronesia, scuba diving and learning about the marine ecosystems there. I also took a sabbatical leave to Australia, New Zealand, and Fiji and learned about marine ecosystems in those areas, and then I settled down in Maui. I actually came here during...I took a leave of absence from the college, and came over to Maui, and didn't quite make it back. I just stayed. So I started the Marine Resource Council with Uncle Ed Lindsey in 2007. We were encouraged to do so by the then Chairman of the Department of Aquatic Resource, Dr. Dan Polhemus, and he...we ran into him on a

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meeting on the Big Island, and he said, Robin, when are you going to start a fisheries council like we have on West Maui [sic]? And I went \_\_\_\_\_, I mean, like why would I do that? And he said, because it would really help the Department of Aquatic Resources if we had a bottoms-up approach as they do on West Hawaii, where they have the West Hawaii Fisheries Council, and he said it's much easier for us to pass new rules if we have the people asking for the new rules. So Uncle Ed and I, and also a fisherman, and a businessman got together and decided we were going to get a group of people together from all different walks of life to look at the problems of the reefs and see what we could do collaboratively to improve the reefs. And of course, unfortunately, Uncle Ed passed away and asked me to take over, made me promise that I would take over, and so I did, and then Ekolu Lindsey got involved, and the Council...the rest is history. Thank you.

CHAIR COCHRAN: Thank you.

MS. WHITE: My name is Darla White and I am, well, a marine scientist with the Division of Aquatic Resources. I'm actually, in my own mind, mostly a research diver. I spend a lot of time collecting data underwater. I've been doing it with Division of Aquatic Resources both on Big Island and Maui for 15 years now. I've had the good fortune to contract with NOAA from time to time, and go on cruises all the way up through the Northwestern Hawaiian Islands, and I've seen our reefs over a stretch of 1,500 miles, and it's very educational, and enlightening, and special, and if you ever get the chance to go out there, please do, it's amazing, but it's taught me a lot about the ecology of our reefs throughout the islands, and they are different everywhere. They're very special here, and they're under a lot of stress here, and so I've really taken my job to heart here. West Maui was designated the priority watershed of the Pacific in 2011, and it's brought together all kinds of partners we're very, very fortunate to have here, because we otherwise have no infrastructure to bring people here to do work in the marine environment, and this effort has actually partnered everybody on land and in the water to...for a very holistic effort which I'm very privileged to be a part of, and contribute my expertise in some small way. I am a fish nerd, by all accounts, and I have hybridized into the coral health end of things. I work a lot with coral disease and bleaching, and coral health, and basically, looking at it from the whole ecosystem perspective. So I'm happy to answer any questions I can.

CHAIR COCHRAN: Thank you, Ms. White. And sorry, Ekolu, no name tag there, but you can introduce yourself. I think most of us are quite familiar with you, but...*(inaudible)*...

MR. LINDSEY: That's what I figured, everybody know me already. I'm Ekolu Lindsey. I know a little bit about a lot of different things, and I bring these things to the table with organizations like these so that I can share the things that they may not be privy to. I represent Polanui Hiu. A group of us started with a raise of my hand if we're going to save the reef, why not do the one in front of my house, so little did I realize it'd take me to all these different places and doors that had opened with all the things that Robin had just noted and that was just one year. So looking back at the things that we've accomplished is...I don't do that too often, but that made me feel good. Thank you. I also have the...I'm also the president of Maui Cultural Lands, basically, I

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stepped into everything my dad was in, and a little bit more so I have this huge task list to take care of, and part of that is leaving our mountains and oceans better than what we received it so that my son can step into that same task list, and he doesn't know it yet, but he's being groomed for it, and so he can leave it for his children. And I'm happy to be here representing the community side, and I'm the one that fulfills this task list from the decisions that are being made from this Council and the mindset, mind trust that we deal with, and I can say, if we cannot do 'em, we cannot do 'em, but I can suggest a way we can do 'em. So I bring many different perspectives and it's my honor to be with this esteemed group. Mahalo.

CHAIR COCHRAN: Thank you, Ekolu. And I know, we have...we had invited from the Office of the Mayor, Environmental Coordinator, Mr. Parsons. So, Rob, if you don't mind, would you like to come and join us? Yes. You've been brought down along with Corporation Counsel to this body to share and be a part of the discussion. So we have Rob Parsons, our Environmental Coordinator here from the Mayor's Office to join us also, and I don't want to neglect him. And Rob, if you can just have some comments for us.

MR. PARSONS: Thank you, Chair. I didn't really prepare any comments beyond the testimony that all of you heard earlier, but I would say that part of my role is in reviewing grants in an environmental protection budget in the Office of Economic Development, and that totals little more than \$1 million. And for the past few years, Maui Nui Marine Resources Council has benefited from a small grant from that line item. And I've been continually impressed with the work this group has done now that I've been reviewing it more closely for the past three years, and they've really been exceptional in many ways, and I think you get a sense of that by just how many people are engaged in the discussion today, how many board members, I think it's in the neighborhood of two dozen. At the most recent meeting that I attended, they said they're taking steps towards establishing a nonprofit status which I think will help them more easily leverage some donations to help wean them from just being dependent on County funds because we're just one of the funders to this group, and you know, I'm privileged that I knew Ekolu's dad when he was alive. I learned many lessons from him, and to have left a legacy like this, and involve the quality of people that he has is really remarkable so I applaud the efforts of this group.

CHAIR COCHRAN: Thank you, Mr. Parsons. And Members, at this point, I've...the panel is here at your disposal, so to speak, for questions and comments, and just to learn a little more if need be about certain details of the presentation or just the, you know, expertise of their fields that they're involved with. So anyone like to start or have anything to...yes, Mr. Guzman. You want to go down the line? Okay.

COUNCILMEMBER GUZMAN: Yeah, that's fine.

CHAIR COCHRAN: We'll start with Vice-Chair of the Council, Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you. Thank you, Chair. I'm very interested to find...learn more about the brown water issues that were indicated on the slide there. I noticed that there's according to the map on the plan itself you have eight priority

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sites which of the eight priority sites deal with the brown water issues and how does that...I'm assuming it's from sediment impacts and erosion, and some other, I guess components, but what are the...I'm just looking at some of the direct implementations that you'll be utilizing, but can you go through a little bit of that in terms of how that brown water occurs? It's quite disgusting and it's, it's more evident in terms of, you know, visually, I mean that, when you see that in the coral reefs and that brown water coming at you, you just...it's frightening.

UNIDENTIFIED SPEAKER: Yeah.

COUNCILMEMBER GUZMAN: But I think that, for me, is just one indicator, you know, it's just right off the bat, like wow. I'm not one of those divers and to know scientifically whether the reef is, it needs, you know, it's hurt or it needs restoration. You see it more physically when you see brown water like that, and what does that mean, and how do we...what is, what is the low-hanging fruit to initially tackle on that type of issue?

MR. RICHMOND: Okay. That's a really important question. Let me just start by saying that coral reef conservation begins on land and there's no question when you see a brown water event you know exactly, you can visualize it. A lot of people don't spend time under water. A number of us do, and you can really see the impacts of it. To understand exactly, we know poor land use practices are responsible for it, but from a coral's perspective there is a couple of elements that are particularly of concern. First and foremost, the way the corals live is they're basically solar panels. The majority of the energy that enables the coral to live, grow, survive, and provide a habitat for fish is provided by single-celled algae that actually live inside of the coral tissue. So the coral has a certain amount of surface area and it depends on sunlight. First thing that a brown water event does is it's basically like pulling black plastic over your solar panels and wondering why you don't get electricity. They can't feed when they get that turbidity, number one. Number two, is that a majority of the energy comes from the solar panel kind of existence, but they do need to feed as well. They're made up...most of the corals we see here are colonies of little flower-like creatures called "polyps" and they have tentacles surrounding a mouth that they use to feed to get that last little bit of energy. And it's really the nitrogen they need to make the protein of the tissue and when you have sediment falling on the coral then they simply can't feed either. So once again, it's almost like duct taping their mouths shut. So between covering the solar panels and blocking their mouths, they simply can't survive and they starve. There's an energetic cost too of trying to shed sediment, and that's actually a pretty good indicator in the field. We've developed one of the tools as kind of a coral physical exam that you don't need to be a doctor to do, but rather a lot of the fishers that we work with are very good marine biologists, and you can look and see what kind of growth form corals can survive in an area. Branching corals with very fine tips like tree branches can shed sediment fairly easily, but the ones that look like boulders and like plates, they get buried very quickly and they die. So you have kind of the physical impact, you have the light filtering impact that occurs, but a huge issue in Hawaii is that sediment is the ultimate carrier of pollutants from land into the ocean. So say you have a field where pesticides are being used. When it rains, this material ends up in the ocean. Many of the pesticides and oil compounds are pretty sticky. They won't

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dissolve in water if you put 'em in a cup of water and you stir 'em, it's not like Kool-Aid that'll dissolve. They usually float to the surface, but they do stick to sediment particles and when the sediment particles move from land into the ocean, it carries the chemicals with them. The problem being that the chemistry of the ocean is different from the fresh water on land and it often releases the chemicals as well. Everything in the ocean with coral reefs is chemically mediated. That's their main means of communication so for example, a coral seed that may be produced once a year during a 20-minute period can't really see where it's going, it's trying to find a good place to settle and become part of a reef, and it does that chemically. Corals are spawners like fish, and the way in which they reproduce is by releasing their egg and sperm into the water. Knowing when to do that is based on a chemical cue that they get from others, so anything that we put in from land into the ocean that affects the water quality affects the ability of fish and corals to survive. And then of course, anything we do to the bottom, the coral seed or the coral larvae, when they are produced, they just have a very short window of time to find a good place to settle and become part of the reef, and once again, it's not a visual cue, it's a chemical cue, but if there's a thin layer of mud or sand on the bottom, they simply can't settle. So what we see happening in the coastal areas of Hawaii, and on Oahu it's really bad, you could not develop a more efficient means of killing our coastal reefs than what we have now. By moving sediment and water off the land quickly into the ocean, we're taking what is an asset that's respected very much culturally, financially, and economically, and turning it into a liability where mud and these brown water events are coming in, killing corals. And then what we found in Hawaii, to add insult to injury, is because of the loss of herbivorous fish where they've been overfished, you've lost your lawnmowers so of course, you know, it's like the haole koa, grows up if you don't do your yard. I live in Kaneohe so you can hear the grass growing. We're right there, you know, getting rain all the time. The algae that's invaded these reefs, and is not kept in check by the herbivorous fish now becomes a reservoir for sediment, so once you have that situation you don't need any more rainfall to continue hurting the reef. All the sediment is trapped in the algae on the reef and it just moves up and down vertically. Every time you have a sea swell, a storm swell come in, any kind of wind, the mud gets resuspended. One study done on Molokai showed that mud entering into the back reef area there gets resuspended about 5,000 times before it makes out over the reef, meaning that one pound of mud has the equivalent killing power of 5,000 pounds of mud. In 2008, we had a really big rain storm. One of our watersheds is the area where Tegan used to work in Maunalua Bay which is the one that's just between Diamond Head and down to Hawaii Kai. In one 4 to 6 hour period, we had 20 tons of sediment deposited at the second marker buoy outside the Hawaii Kai Marina. So when you think about these concrete runways from mountain to ocean, it's a very efficient delivery system. Some of these are channelized, some of them are not, but whenever you see a brown water event, you know it's killing coral, it's destroying the reef, and it's preventing recovery from occurring, and that's why you need to reverse the trend. The good news is that it's like a checking account, your deposits and your withdrawals. If the sediment deposition rate is faster than it can be winnowed away from wave damage and circulation it simply accumulates. Great for checking account, really bad for a reef. So step one is to try to cut down on the amount of sediment getting in, cut down on the number of brown water events, the severity, and the length of time, and many of these reefs then can and will recover if you reduce the pressure.

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So the big part of the Coral Reef Recovery Team has been focusing in on what can we do to reduce the brown water events, to reduce the amount of runoff and sedimentation is step one, and then as water quality and bottom quality improve, and then what can you do to enhance the ability of these organisms to recover naturally. So step one really starts with prevention and prevention does start on land.

CHAIR COCHRAN: Thank you.

MR. LINDSEY: I get one quick answer for that one.

CHAIR COCHRAN: Okay. Go ahead, Ekolu.

MR. LINDSEY: We recognize that at our place and Kauaula Stream is a repository; that's the bank, and whenever we'd have these large brown water events though, you could see that plume, so one of the things we did was we wanted to see what we could do first of all. So we got to be recognized as a native Hawaiian organization so all development and any type of things that are coming up on line on West Maui we would get notice, so we take a look at their plans, and make...and kind of watch what they're doing and make sure that best management practices are being utilized, but the one thing that has really helped is that Kauaula Stream has been running for the last almost three years. Prior to that it was occasional, and what that has done was allows that sediment input slow as opposed to this huge episodic events when you get tons of sediment coming down, and it would take a year more to get that sediment out. That 2008 event he talked about, that sat for two years, and whenever I'd go out surfing, I'd...it was over my ankles, that much mud, and it took over two years to get out of there. But now, the large rain events we have, because that stream's been running, and that's because of our West Maui land and homeowners up in Kauaula, however they figured that out, the water's been running so it's a continuous flushing so that has worked awesome. So if we can get the water to run that would definitely help the corals alleviate this heavy burden from these large episodic events.

CHAIR COCHRAN: Thank you for sharing.

MS. WHITE: And I just have one, and correct me if I'm wrong here, but to your point that we have eight priority sites and how do we deal with that on a brown water level, brown water events are just that, they're specific events and they would be addressed as such not necessarily only if they're in those eight places.

CHAIR COCHRAN: I think...sorry, Mr. Guzman, did you want to know these locations you asking?

COUNCILMEMBER GUZMAN: No, that's okay.

CHAIR COCHRAN: Oh.

COUNCILMEMBER GUZMAN: Sounds just like it's just random at some points so it's not...is it do we have a certain site that has more, yeah --

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CHAIR COCHRAN: Like designated areas?

COUNCILMEMBER GUZMAN: --like D.T. Fleming, sounds like, didn't you mention that in the slide? Is that a periodic event that we need to...

MS. NEWBOLD: It isn't random so much as the result of some activity on land. So the problem at D.T. Fleming seems to have originated at the development that's on the ridge above, and in clearing the land they just didn't expect that much rain in one year, that was last winter, and it just washed all this cleared soil off the land, down into the gulch, and out the stream so it was really unfortunate, and what we learned from that was that best management practices didn't work. But the County does have best management practices and the question is will they work, are they good enough? And I think that that's a very...the benefit that came from that if you can call an event like that that's still going on, but the benefit is that we now have the opportunity to look at that and say that these best management practices were not good enough, and then get together. What we would like to do is convene County planners and developers and people who are experts in the field and say, well, what would work, you know, how can these developments move forward without creating so much damage to the reef? The event at Launiupoko was related to road work along the side --

COUNCILMEMBER GUZMAN: Right.

MS. NEWBOLD: --side of the road, and that too, created a huge plume. You know, you get that feeling if you get a drone to go up and take a picture of what's going on. The one in North Kihei during the winter of 2013 looked even worse than the photos I showed you, and that of course, is water running down off the ranch land, and that's been cleared of course for it to be ranch land so we no longer have the rain forest that holds water in, right, the plants hold, hold the water, and they hold soil in. So over the last 100 years or so, we've really changed the, you know, what's going on Upcountry, and that then goes right through Kihei, and just flooded Kihei, and of course, took the sediment out to the reef. So again, I think we need to work with the ranches and with what's going on up the slope, and just all of us work together, and come up with a solution for trying to, not mitigate, but reduce that or just stop it in the future. I think we're all aware that it's killing the reefs and the reefs are our lifeblood.

CHAIR COCHRAN: Thank you.

COUNCILMEMBER GUZMAN: Thank you, Chair.

CHAIR COCHRAN: Okay. Thank you, Mr. Guzman. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. I'd like to extend a big mahalo for all the work that you're doing. Thank you, thank you very much. You know, I've heard you mention, somebody had mentioned that you have eight of the largest reef in Maui, so with that in mind, what percentage would you identify as pretty much damaged or really needs some concentrated efforts to restore?

CHAIR COCHRAN: Maybe Ms. White.

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MS. WHITE: I'll take a first poke at that.

COUNCILMEMBER CRIVELLO: Thank you.

MS. WHITE: So the Division of Aquatic Resources monitors specific sites over time so that we can see changes on the reef over time, and in 5 of our 9 sites we see significant declines in coral cover and that results from different, a different basketful of stressors in each location. There are a lot of people doing a lot of work to understand the wider scope of the reefs around that we have that many under our monitoring program that are in decline indicates that it's probably more widespread as well. The Maui Coral Recovery Plan has looked at what we do know, and including our Community Marine Managed Areas and data around the State to prioritize areas to start to work in. So that includes the Polanui Hiu and the Kahekili Herbivore, or the watershed management there, and others, but they're starting places. This is a very large effort.

COUNCILMEMBER CRIVELLO: So I guess my question is, the decline, is it a big percentage or is it starting now and then where we're doing an early catch?

MS. WHITE: Of the overall reefs, that's kind of a number that we don't have a real grasp on, so out of the reefs that we do have surveyed, more than half of them are in significant decline.

COUNCILMEMBER CRIVELLO: Okay.

MS. WHITE: Again, that's just a small fraction of the reefs that we do have. The problem is it takes...we're seeing rapid declines, as much as 50 to 70 percent in 20 years at some of these locations, and these reefs are the slowest growing reefs in the entire Pacific. It takes decades to turn this around so we need to start now in every way we can.

COUNCILMEMBER CRIVELLO: Right. I was just curious, you know, is it a large percentage that's damaged, or are we just being proactive now and getting an early start so that it doesn't get to the point of complete destruction?

MR. RICHMOND: The reefs are pretty much in decline. The data that they have from the Division of Aquatic Resources is quite good, and again, you'll see kind of up and down each year so it's hard to say exactly. You can have a couple good years and what it really is is the balance between new, young corals coming in to replace those that would normally die so a coral reef is a living system. You expect some corals to die naturally, fish predation, storm damage, things of that nature. We have crown of thorns starfish that live here and they do in fact eat coral, and that occurs from time to time. But even the outbreaks of crown of thorns starfish are often tied to human nutrients coming in because it enables their larvae to succeed. The problem in the past has been that the main indicator that a coral reef was in trouble was corals dying, meaning that you're using mortality, death --

COUNCILMEMBER CRIVELLO: Right.

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MR. RICHMOND: --as the indicator something's wrong, and if we treated human health the same way no one would be arguing about Obamacare. You'd either be alive or dead, nothing in between.

UNIDENTIFIED SPEAKER: Right.

MR. RICHMOND: So what we've been trying to do on the science side is to come up with better markers, and we've been able to now do things that are basically like a urine sample and a blood test on coral to determine stress before it dies. One of our best sites that we've used, even in the main Hawaiian islands, is La Perouse so that site is still pretty clean, there's not really much going on there, not a lot of...never see brown water down there or rarely any water quality issues, and when we do our blood test on the corals down there, they're doing really well. When we go to places like Honokowai and Wahikuli, we're getting a different pattern. We can actually see stress proteins elevated in the coral that tells us something is wrong, and what we're trying to do is catch this at a stage before it becomes outright death. So in answer to your question, you know, honestly, the coral reefs are in decline. There have been bleaching events this year that are tied to elevated water temperature, so that's nothing the people of Maui contributed to directly, but when you put coral into stress, and then you have an El Nino event like we had this year where warm water came up, those corals got knocked back, and now what we're starting to see is more nutrient input and then we see outbreaks of coral disease, so this is the problem with many of the corals. It's not just one or two things. It's not the individual ingredients; it's the soup, so trying to take this holistic view that Ekolu spoke of that there are threshold levels that we're shooting for, and that's why it really takes action from leadership like yourselves to be able to look at an integrated way of how do you look at the main stressors, and then how do you reduce them. Can we reduce the pollutant load? Can we reduce the stressor load? Ekolu is right on target, you know, with this issue of these kind of episodes. The way we like to explain it is, you know, you can have 365 glasses of wine in a year and if you do it one a night, you're good. If it's red wine, it's supposed to be good for your health. If you had 365 glasses of wine in a night, you're dead. And that's the problem is we're getting these episodes that simply overwhelm the ability of the corals to survive rather than this kind of slow level. Corals are made to be able to withstand acute disturbance. We know they been around for millions of years. It's the human, constant, chronic signal that's causing them to be in decline, but the good news is that corals as living systems when you reduce the stressors, they can and will recover. We have beautiful sites in Hawaii and Maui where we see young coral settling and they're starting to grow, and within 2 to 3 to 5 years it's notable. So that's the deal. Can we take it from this kind of downhill angle to at least stabilize the patient, and then get it to improve, and that's where a lot of the work's coming from.

COUNCILMEMBER CRIVELLO: May I ask another question, Chair?

CHAIR COCHRAN: Sure. Go ahead, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Okay, so, you know, some of the reefs back home on Molokai, we recognize that it's the sediment from neglect on our watershed, and mauka, you know, just the...for our animals just ruining the landscape of our mauka

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area, but also too, as we, our community when we've had discussion about trying to protect the reefs, we say, don't walk on the papa, and you know, if we, if we see how we do then we're lacking the fish so we have to restock with nursery. Is that what's...is that message somehow going out to, I guess, the visitors or not the visitors themselves, but maybe the vendors who take the visitor out to the areas to visit the reef. I mean, you know, is that kind of education that goes through also? Maybe Ekolu, maybe you can answer that as a practitioner yourself.

MR. LINDSEY: I think the vendors they're there to make money. They're also there to educate, but I think it's difficult for them to get the education portion while they're making the money.

COUNCILMEMBER CRIVELLO: Okay.

MR. LINDSEY: And the visitors, the mistakes they made is because of ignorance. They just don't know --

COUNCILMEMBER CRIVELLO: Uh-huh.

MR. LINDSEY: --but it's just the vendors' responsibility to let them know, and I know firsthand, it's a difficult thing to do, and I don't think the message is getting across. So with the increased human use and traffic, you have people jumping on corals, falling off standup paddle boards, kayaks, stuck on the reef. I see 'em all...every day in front of my house, every day. So I really think that, I'll call it "commercialized recreational use" --

COUNCILMEMBER CRIVELLO: Right.

MR. LINDSEY: --belongs in commercialized districts with less corals, that way their patrons or clients are not hurt, the reef is still intact, and the fish still have a home, but when you allow them into residential zones, especially ones heavily in coral like in front of my place, then I see a degradation of the reef itself, and it just hurts me to see people stuck on the reef with their kayaks just pushing on it, standing up on 'em --

MS. CRIVELLO: Yeah.

MR. LINDSEY: --and I cannot say that's their fault, they don't know.

COUNCILMEMBER CRIVELLO: Yeah, yeah.

MR. LINDSEY: So there has to be a mechanism that these tourists know it, and you know, what, a lot of tourists do know it, but when you get into an area you're not familiar with, hard to say, yeah? But it pains me every day. I gotta go on my loudspeaker, eh, come inside, you too far out.

COUNCILMEMBER CRIVELLO: Thank you. Thank you.

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CHAIR COCHRAN: Thank you. And just real quickly, in the back of Ms. Darla, Darla White's testimony there's a graph of the reefs and their declination throughout the years which I know I've seen this from at least ten years or so, and it's been a wonderful compilation, and some parts you can see have leveled out, others yes, in steady decline, and others have been coming back up. So thank you for the graph, and I know Mr. Sparks is gone, but he's definitely been out educating the public in reference to this graph, and thank you, Darla, for having it in your testimony also, and thank you. Mr. White, you have comments, questions, or sorry, Ms. Darla White, did you...got two Whites here.

MS. WHITE: Yeah, sorry, just a quick comment. I know that there are a lot of efforts out especially, Liz Foote with the Coral Reef Alliance has spent a lot of time with the hotels and the different--what do you call them?--activity agents.

CHAIR COCHRAN: Concierges?

MS. WHITE: Yeah. So there is an effort there, but again, it's very challenging. It's very challenging.

COUNCILMEMBER CRIVELLO: It's ongoing, yeah.

MS. WHITE: Yeah.

COUNCILMEMBER CRIVELLO: Thank you.

MS. NEWBOLD: I think you're getting better and we have made progress. On some of the dive boats, for example, they're really good about telling the people about the reefs. I go out on some of the dive boats to Molokini for example, or Lanai, and some of the tour operators are really good. Jim Coon, for example, at Trilogy, and others, and they'll tell them, you know, don't feed the fish. That's been a hard one for us to get across, but to convince them to not feed the fish, because you know, bread isn't their normal diet, and not to go down and grab the fish or pull the tako out of the hole, you know, so I think a lot of them are getting better, and we just need to continue to work on that, just another one of our projects, and it's going to take a lot of work.

CHAIR COCHRAN: Thank you. Chair White, did you have some comments or questions for the panel?

COUNCILMEMBER WHITE: Got a question. One of the things that jumped out at me in the handout materials was this fish biomass chart, and I'm just wondering if anyone can tell me whether this is, obviously it's much higher on the neighbor islands and so forth than it is on Oahu and some of the other places. I can't quite read the...looks like Kealakekua is named a couple of times and...

CHAIR COCHRAN: Is that Darla White's...

COUNCILMEMBER WHITE: Anyway, my question is, is the reduction in the biomass due to a lack of nutrient support for the fish or is it due to overfishing?

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MS. WHITE: It's predominantly due to overfishing, and...but in different locations, I'm mean, it's not that simple, right, 'cause habitat plays a large role on what fish are there as well, and the complexity of your habitat, how many pukas are there, how healthy it is, all these things play a role, but fishing has been demonstrated in the data to, at least in populated areas, show declines. Again, it's not as simple, it's not...it's more complex than that, but fishing is a large contributor.

MS. NEWBOLD: I'd like to mention that, you know, the fishermen do remind us that it's not all their fault, particularly the local fishermen who are fishing pono. You know, it maybe the larger commercial operations are certainly, certainly a problem, but it's the sediment running off land that's a really key problem, because it's killing the habitat and all the fish that there, that were there would die. And then there's other types of really destructive fishing. Taking fish for the aquarium trade in large numbers, for example, gill nets, there's lots of types of fishing that are really destructive, and then, but you know, the local fishermen who are going out with their small nets and their fishing line, you know, that's cultural practice, and that's not the kind of thing that we're concerned about.

COUNCILMEMBER WHITE: One of the other questions I had was with the various challenges that you see with our nearshore waters in particular, what's being done at the State level since they're, the Legislature controls the policies and procedures for fishing and so forth, and I've always wondered why we don't impose through the State Legislature a regeneration of the kapu system which was focused on maintaining a balance between the times of taking and the times of leaving resources alone. Is there anything happening at the State level? And I know things don't happen very quickly there, but...

MR. RICHMOND: I'll take a stab at that. You're absolutely right, and one of the interesting programs that's been going on of late is a cultural exchange between fishermen in Palau and fishers here on Oahu, and it was very interesting. I think Nature Conservancy was involved. I do a lot of work in Palau still, and when they reintroduced the traditional protections, kapu, there they call it a "bul" which is a closure, they've seen their fish populations rebound dramatically. So once again, you know, everyone on the panel was correct that herbivorous fish, in particular the smaller ones, they do not do well in turbid water. They can't clear their gills, and they can't see predators coming, because shark, barracuda and others use a lateral line like a radar system so they can pick them off without them even knowing so as soon as the water gets turbid they move out. The habitat are lost when corals die and they begin to erode then there's a place that they lose, but ownership of the fishery, and that's where these local efforts I think really have the most potential. And throughout the Pacific islands where we've worked, and there's a tenure system or ownership, when people own the resource they protect it. The tragedy of the commons approach where everybody owns it, nobody takes responsibility is really part of the decline, and that's been part of the push/pull. In Maunalua Bay on Oahu, initially the goal was to make it a large marine protected area, and the fisherman were wondering why are you picking on us when, in fact, you've got a golf course here with all kinds of pesticides run in the ocean, we have these concrete runways dumping tons of sediment, we have

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all of this urban, you know, runoff going on, and you're trying to just put it on the fishermen. It was absolutely wrong, and the fishermen when they were told, okay, let's not do the NPA yet, let's work on water quality. You need both, and eventually when the water quality returns then you do want your herbivores back. You need those grazers, the lawnmowers to try to get some of this algae down so it doesn't hold the sediment forever, so a part of it, again, is this integrated approach, but you know, unfortunately in Hawaii, they still allow scuba flashlight spear fishing, very few places in the tropics allow that anywhere anymore. In most of the Pacific islands that's banned. So being able to use cultural practices that have been based around sustainability are very sound, and we call it "back to the future". Some of the best marine managed programs are those that are based on traditional ecological knowledge.

MS. NEWBOLD: Yeah, I...did you want to say something? And we did try to get things through the State Legislature, and one of our, one of our first wins was to get a ban on the use of lay gill nets around the island of Maui because they're so destructive. They take, you know, they're laying out a net that's the length of, you know, a basketball court or something and it just...and they leave it there. There's floats on the top and weights on the bottom, and they just leave it there all night, and so all...everything that swims by, it could be monk seals or tiny little fish, things that they don't want, and then you see them wrap them up in the morning, and they just throw out everything that's dead. So we did get that through, but it was quite a fight. But because it was so difficult to get things through at the State level, we decided to go with a community-based approach, because that's what they're doing in many places very successfully around the Pacific. Fortunately, John Parks, who I mentioned earlier, has spent a lot of his career doing that as has Bob Richmond, and has seen that these groups. One of the first groups we were introduced to were some Fijian folks who...this is when the council was just first starting and we went over to Oahu to meet them. With the first \$1,000 we got, and we spent it all at once, and the five of us went over, and we met the Fijian folks who told us about starting what they called a locally managed marine area. We now call it a Community Managed Marine Area. But they convinced us, we came home, Ekolu was with us, and it just convinced us that this is the way to go, to go back to what you're saying, the traditional approach. And we started the...by training the local training people at Ekolu's house. We actually had a series of trainings; they were three-day trainings that the Nature Conservancy provided for us, and then from that we have 3 CMMAs that began, and from there another 3 joined, and now we have a network of CMMAs, and as the Fijian told us, it'll take a long time to get your first one going, but it'll start snowballing, and they probably didn't use that word, but you know. And then the next thing they knew they had 10, and then they had 100 so they had...and the communities then really care. We saw that in Palau too, the communities in Palau, they actually set up guards, you know stations, you know, that stay there all night watching that the other community doesn't come in and take their fish so they're watching it. It's like, it's like people, you know, a farmer just farming his land and making sure it's taken care of. The idea then, of course, is for the communities to have co-management with the State, and that's something else that we've worked on. William Aila at the helm at DLNR, he was very much in favor of this co-management idea. He went to Palau with us, and saw what they were doing there, and really saw that it was worthwhile, so

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that's really one of the basic tenants of the council is to work through the communities.

COUNCILMEMBER WHITE: And you mentioned, I think it was you that mentioned the changes in the rules in West Hawaii after you formed, I don't know whether it was a CMMA there, but what type of changes were made in the rules in West Hawaii as a result of that collaboration?

MS. NEWBOLD: You want to tell?

COUNCILMEMBER WHITE: Actually, I can't remember which one of you mentioned that.

MS. NEWBOLD: Yeah. I mentioned it.

MS. WHITE: I forgot what you were talking about.

MS. NEWBOLD: Yeah. In West Hawaii, there's something very different going on. It was...there was a battle between the people who wanted more fish on the reefs, for example, the snorkel and dive shops, and the people who wanted to take the fish for the aquarium trade, and it got very heated, and like, really heated, so the State Legislature did pass a bill saying that they could have, that they needed to have a West Hawaii Fisheries Council that would bring people together, and work this problem out, and that's what they did. So they came up with a patchwork, yeah, fish replenishment areas where there's one area where you can't take fish, and another area where you can, but the fish replenishment areas have been shown to work throughout the world.

COUNCILMEMBER WHITE: Yeah. That seems like kind of a no-brainer.

MS. WHITE: And if I might speak briefly to your question from the State level, and Russell's obviously better to address this, but you know, things move like a snail at the State level. We're incredibly supportive of these community-managed areas. The legislative end of things anybody can enter into; it might look different on the backside. The rule-making process, the State rule-making process, you know, at lightning speed is two years, and to move anything forward it's gotta be pretty much...it has to have community support. It has to be kind of a no-brainer, we know it's going to go through, 'cause it's an awful lot of effort from start to finish, so if it doesn't have the support from the ground level it's just kind of not going to be worth anybody's effort, so the community supporting, and voting, and becoming part of the process is hugely important.

COUNCILMEMBER WHITE: Yeah. I totally agree, and Chair, I know we've got limited time so I'll end there. I've got more questions, but I'll address them individually. Thank you.

CHAIR COCHRAN: Thank you, Mr. White. Ms. Baisa?

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COUNCILMEMBER BAISA: Thank you very much, Chair. I'd like to thank the panelists for coming today, and all the testifiers. You know, as somebody said, this is a no-brainer. You know, I don't think that it requires a lot of debate for us to support this resolution. I certainly am in support of it. We all know the importance of our reefs. We all know that we need to protect it, and enhance it, and we need to do whatever it is, and I personally want to thank all of you for your dedication. You know, it's not easy to take on these kinds of things 'cause we know it's very complicated. You know, over the weekend we had a tremendous amount of rain, and I live Upcountry, and as we were travelling the roads yesterday, especially yesterday, it just poured, and we were in water up to a foot deep on the roads, I mean, it was just barreling down the roads in Pukalani, you know like on Iolani and I mean, it was just really torrents of it coming down, and tons and tons of this brown, muddy water coming from above. And funny that we're talking about this today, 'cause my husband and I were talking about it, and I said, you know, this has been going on for as long as we've been around, and we've been around for a long, long time, probably longer than...much longer than, oh, but we've been here, but how do you stop it? You know, we can pass all the laws we want about keeping stormwater on your property, and you know, not having stuff get into the ocean, but we got a lot of work to do to convince people that, you know, having all that stuff run down the road and into the ocean is not good. And I think we're finally beginning to see and understand. And I think, Robin, you addressed it over and over, it's about education. You know, we're having to educate people. We grew up accepting it, and figuring it was just the way it is, but now it's gotten to the point where we're seeing the destructiveness, and we're seeing what happens, and it's having to educate people, and I think somebody else mentioned about people stepping on the reef and you know, doing all those things, and making people more aware. And so I think the job is there, and I certainly support the resolution, and anything that, you know, we can do to help you I think we ought to try to because it's in our own best interest. It's horrible, you know, my husband is an old fisherman, doesn't fish much anymore, but he quit going essentially because no more fish, and all the fishing grounds have been invaded by people on jet skis and all kinds of stuff, and you know, he doesn't want to go 'cause he says he gets angry when he goes to the beach and he sees this going on, and being a net fisherman, worse 'cause you on the reef waiting, I mean on the hill waiting, and there's all this stuff going on in front of you, and they chase the fish away so he doesn't hardly go, in fact, he doesn't go anymore. And so we're very much aware of, you know, we have to have balance, and we understand we need our tourists, we need our ocean activities, lots of people come here and that's the first thing they want is they want to go to the beach, and they want to go snorkeling or looking at stuff, but there's a price to pay for all of that and how do we balance that? So again, thank you, you know, for your knowledge and your dedication, because I think it's the only way that we're ever going to get a handle on this is by having people like you to lead us so thank you very much. And thank you, Madam Chair.

CHAIR COCHRAN: Thank you. Mr. Carroll?

COUNCILMEMBER CARROLL: Thank you, Chair. I'm from East Maui, and we don't have particularly the same problems that you have over here. We're pretty much self-cleaning. We don't...we have storms over there that would have buried Maalaea that have cleared out in two days so coral, everything that \_\_\_\_\_ inside the water it's

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still pretty pristine, but our fish are still disappearing. There are nowhere near the fish there were before and it's not being fished out by fishermen either. There are other things that we just don't have control over, and it could be things that are happening over here that are affecting the fish in Hana too; we just don't know. But we seem to be our own worst enemy. Many years ago, speared fish were illegal. You could not sell speared fish. They changed the law so you could sell speared fish. DLNR proposed it. They said it was too hard to enforce. Yeah, too hard to enforce. In the early '70s, we went to the Legislature and tried to restrict commercial turtle catching, '72, '73, right around there. They wouldn't do anything 'til it all disappeared and the Feds came inside. We are not proactive; we weren't proactive then, we're not proactive enough now. We need to go over there and start looking at what's happening now and taking action now; otherwise, it will be same like the turtle, speared fish. I just was thinking about that and trying to go over there, and maybe draft a bill to make the selling of speared fish illegal again. That was only because it was hard to enforce. Now that's ridiculous. Yeah, some people went and got away with it, but by and large, the law worked. It worked. As soon as they let it go, wow. Well, that's kind of a no-brainer, yeah. The other thing is the regulations that we have, the County, the things that the County can do. I'm the Land Use Chair. Subdivisions, things like that come through my Committee. We are not proactive enough in protecting our coastlines in this way. We make laws that say that you have to...your setbacks. We make laws about septic systems. We make laws about containing runoff in...by the high tech park there's a basin over there. Anybody ever saw that basin? It's huge. You could drop this whole building inside; you could drop five of these buildings inside, so what we're doing is we're doing some to take care of the new projects that come through, but we are doing nothing about the older projects, the things that are there already. We are not doing anything about it, and that's because of the laws that we have. And we're not being proactive enough to go over there and say, well, what can we do about all of this? In Kahului, the parking lots in the industrial area for years we've tried to go over there and get to where they would put filters over there to where the oil and everything would go down and be contained, and not go into the drainage ditch that would go into the pond that would go into the ocean. But these places exist already; it's not something new. When I was Chair of the Planning Commission, in Kihei, we had several places that had parking lots that we went over there and had it part of the regulations and the conditions that they had to put traps to catch the heavy metals and oil. We're doing somewhat good on the new things, but we really need to go over there and spend some time, and look what's happening now, and take care of the things that are causing problems for ever since they've been put in. Now everybody says, well, you can't do that because they've already done it. I don't believe that. I think there has to be some way that we can do that. Maybe the government, maybe the taxpayer has to come over there and say, all right, we're going to look at these parking lots over there, we're going to do something. We're going to go over there, and the County will take the bite and install it with an agreement that the person does the maintenance that owns the lot, whatever, but we need to start looking at the things that we can do that exist now that are polluting our place, our island. If we don't do that, no matter how well we address new issues, we're still going to get all the pollution and the problems from what exists already. We have to start looking back at what we did. And at the same time, the laws that we have now, I have developers coming before me, they do everything, they cross every "t", they dot every

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“i”, they meet every regulation; and then we’re looking at them and we get testimony coming we hear before us with people saying, you’re destroying the ocean, you’re bad for the environment. So where does that leave this poor guy whether it’s an individual or a developer? He does everything that we have told him to do; he has obeyed every law and we’re telling him, nah, we don’t like it. We need to go over there and start revamping what we have, and make it tighter, and make it to where it’s fair, and where it’s consistent, and it protects the environment; and those are the things that I really feel we have to work on. And I’m hoping that people like you sitting over there will be the ones that come to us and say, you know, we need to do this, and we need to do that. And Mr. Parsons over there will come over there before the Council working with all you folks over here and say, all right, this is a problem we have, we need to address it. How are we going to do it? We want to be fair to people and we want to protect the environment at the same time. And don’t anybody tell me that that can’t be done. Thank you, Chair.

CHAIR COCHRAN: Thank you, Mr. Carroll. And Members, we had some very wonderful discussion here, and I’m very happy to have brought this item back. It was heard back in December 13 of 2013. And, back then, we had a very, very comprehensive review of this plan and a presentation with the Maui Nui Resource Council; and, at that time, it had been deferred due to some legal concerns at that point. So I have a revised resolution, and I would like to, you know, make a recommendation to go ahead and put it through this time around. And it sounds like there’s no debate or any concerns. I don’t see a look of concern on our Corporation [sic] Counsel’s face this time around. But I just want to say thank you to the panel for all their hard work, and expertise, and knowledge, and education is key as Ms. Baisa had mentioned. I think that is extremely, extremely what we all need to do, and do our part. But in reference to Mr. Carroll’s comments, I wholeheartedly agree, Mr. Carroll. I think Land Use has a lot to do with this and that we as Councilmembers have that oversight and purview to do so. I do see Mr. Goode, Director Goode of Public Works is in the Gallery and I’m sure he’s very intent on also listening, and learning, and gathering, and he, too, as along with Mr. Parsons, and Department of Environmental Management to chime in when need be so we all work together in order to enforce, you know, and beef up our BMPs and what have you to avoid situations that have occurred, you know. So with that, Members, I don’t want to cut anybody off, but at this point, we need to move on with the meeting, and I want to thank everyone, and I would like to entertain a motion...or without...I would like to make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR COCHRAN: Thank you. I will entertain a motion to recommend adoption of this proposed resolution entitled, Recognizing the Importance of Protecting and Enhancing the Reef Ecosystems in Maui County; and incorporating any nonsubstantive revisions.

COUNCILMEMBER CARROLL: So moved.

COUNCILMEMBER GUZMAN: Second.

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CHAIR COCHRAN: Thank you. It's been moved by Councilmember Carroll, seconded by Vice-Chair of the Council Guzman. And, Members, any further discussion needed? Seeing none, all those in favor, say, "aye".

COUNCILMEMBERS: Aye.

CHAIR COCHRAN: Anyone opposed, say, "no". No "noes", so motion passes with five "ayes", two excused, and no "noes", Members, and this resolution passes.

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

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Vice-Chair Hokama and Councilmember White.**

**MOTION CARRIED.**

**ACTION: ADOPTION of resolution.**

CHAIR COCHRAN: Thank you very much. And also, extreme thanks to the council and everyone involved, Mr. Parsons. With that, let's take a very brief recess so the council can depart and we can move on. We're in recess. . . .(gavel). . .

**RECESS: 4:03 p.m.**

**RECONVENE: 4:13 p.m.**

**ITEM NO. 2: STATE-COUNTY MEMORANDUM OF AGREEMENT  
IMPLEMENTATION OF COUNTY FEDERAL-AID  
HIGHWAY PROJECTS AND PROGRAMS (CC 15-17)**

CHAIR COCHRAN: . . .(gavel). . .Will the Infrastructure Environmental Management meeting please reconvene. And thank you, Members, for being here. And we have from Administration: Michael Hopper, Corporation [sic] Counsel, and Director David Goode from Public Works. And we're going to jump over to the last agenda item on the, our agenda, IEM-2. And it is County Communication 15-17, from Director of Public Works, transmitting a proposed bill entitled, A Bill for an Ordinance Authorizing the Mayor of the County of Maui to Enter into an Intergovernmental Agreement with the State of Hawaii for the Implementation of County Federal-Aid Highway Projects and Programs and to Indemnify the State of Hawaii Under Certain Limited Circumstances,

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and the purpose of this proposed bill is to authorize the Mayor to execute an intergovernmental agreement with the State of Hawaii for the implementation of Federal-aid highway projects for eligible roads and activities. And we may consider recommended passage of the proposed bill and consider filing or deferral at this point, but I will open up the floor to Mr. Goode for some opening comments. And, Members, it is my intent, though, to defer this item and not take any legislative action at this point. I'd like to get a more full body of Members present, and especially the Vice-Chair of the Committee. So, Director Goode?

MR. GOODE: Okay. Thank you, Chair. Good afternoon, Members. It's a pleasure to be here today. Before you is an intergovernmental agreement between the State and all the counties related to how we process and receive, expend our Federal funds, Federal-aid projects for our highway projects. We currently have been doing Fed-aid projects for over 20 years quite successfully even without an agreement. The Federal government and the DOTs really, around the country, have been implementing these types of agreements really to formalize a relationship as monies flow from the Federal government through the respective State Department of Transportation to local governments like ourselves. And the agreement's been bantered back and forth between the counties, all our Deputy Corporation Counsels and Attorney Generals to come up with a form that we all find agreeable. The formed agreement you have here today reflected, reflects some changes that happened in the last six months or so specifically when we started the MPO, the Metropolitan Planning Organization, so that language is incorporated in here. At this time, the other counties' councils have all adopted resolutions to...are ready to sign the agreement, so we're, we'll be...once we're done, we'll all be able to execute the agreement and move forward. Within the agreement itself, as the Chair mentioned, there is some language regarding limited indemnities. I'm sure Mr. Hopper can talk to you about that. It does get into specifics as to who does what, but for us really it basically says, hey, look, you as the local entity here, you're supposed to have, you know, adequate personnel that are knowledgeable in these types of processes, that are knowledgeable in the Federal and State regulations, you'll supervise your projects, you'll make sure that reimbursements are done properly and in a timely manner, and these are things we have been doing, like I said, for 20-plus years. It does say that the State will assist us, and that we're going to review and approve the various project plans and specifications, and I think really importantly I think it's in Section 5, the State set, you know, the DOT will be giving us a multi-year range, I guess, of monies that will be available to us; and this is important because it does give us the ability to plan out into the future roughly how much funds we will be getting. Those funds, of course, that come to the State are shared between the State and all four counties, but it does give us, at least in writing, you know, that they will be providing that kind of information to us. And again, it's something they currently do, but to have it in writing is, I think even much better. Again, it does recognize that the MPO is in place, and essentially the MPO will be making the decisions as to which projects will be prioritized within that funding constraint I just mentioned. And then there's a variety of other details spread out through the agreement; it gets kind of more into the nitty-gritty. But in summary, Chair, the agreement has been adopted by the other three counties, it's acceptable to the DOT. With Maui County's concurrence, we can

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move forward on solidifying this and really solidifying the Federal-aid program for years to come. And that concludes my overview.

CHAIR COCHRAN: Thank you, Director Goode. And Mr. Hopper, did you have any comments to be made?

MR. HOPPER: No additional comments at this time, Madam Chair.

CHAIR COCHRAN: Thank you. And so, Members, at this point, the floor is open for some discussion or questions for Director or Corporation [sic] Counsel. Yes, Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. I just want to thank Director Goode for answering my question. My question, of course, in the back of my mind was, how will the MPO interface with this? But thank you for taking care of that, and I'm really happy that it's on the way.

MR. GOODE: You're welcome.

COUNCILMEMBER BAISA: Thank you, Chair.

CHAIR COCHRAN: Thank you, Ms. Baisa. Members, any other further questions? Mr. Goode, how does this relate to, you know, the ongoing issue with the bike downhill, down the crater, down the road, off the crater? And I guess it's State owned or but given to County jurisdiction. Is there any...would this, does this have any relation to tapping into funds to assist us in solving that matter? And, also, roads in limbo, old government roads type issues?

MR. GOODE: In general, the answer to your question, it's separate. These are primarily for new projects, construction funds in particular. Sometimes we do get design or planning funds, but mostly it's construction, so to the extent that there's improvements say for bicycles on our roadways or in the case of say, Crater Road, if there's pullouts, the State may get those funds directly. So basically, we're just, we're accepting these funds under constraints we already operate under, and just, I guess, having an agreement that we all understand what each party is supposed to do that survives various administrations at all levels of government.

CHAIR COCHRAN: Okay. Thank you. Yes, Mr. Hopper.

MR. HOPPER: And then just to clarify, I think the Director can correct me if I'm wrong, but the money that the County would be receiving, in this case would be for road improvements on County highways that the County would be under control. I think the County's required to show the Federal government Proof of Title and we actually ran into this issue with Hansen Road, and had to go Court, and resolve some title issues with that roadway which were resolved, and that was part of the Federal funding process that required that. So, that's, you know, kind of for the record that the funds that would be pursuant to this agreement would be for the County to improve County highways.

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CHAIR COCHRAN: Okay. Thank you for that clarification. So it could not ever apply to...it was given over to County jurisdiction and for us to...it's State, but you know, we've gotten things EO'd to us and what have you, so it wouldn't be able to be utilized in that type of situation at all, I mean, it would have to be County owned, County project, County developed only?

MR. HOPPER: If it's dedicated to the County and the County accepts the dedication, then I think it'd be considered a County highway in that case. I mean, if you're talking about specific cases I'd maybe want to take a look at them; but, in general, these apply to County highways. I suppose if a road, again, is dedicated and the Council accepts that highway, it could be used. If it's, you know, a road in limbo, if there's not a clear title issue that may create an issue with accepting Federal money for roads that like, in that situation, but these are going to be generally for County highways. If there's another situation, I don't know if there's any situation where the State would also agree to that. But, in general, the County's position is if the road's not been dedicated by deed to the County and accepted by the Council, then it's not a County highway.

CHAIR COCHRAN: Okay. Thank you. Members, any further discussion needed? As I...yes, Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. On Exhibit 1, the agreement itself, is this the actual agreement that we're going to be entering into, because the signatures are of County of Hawaii, on the last page there, signatures, County of Hawaii.

MR. HOPPER: Madam Chair?

CHAIR COCHRAN: Yeah, Mr. Hopper.

MR. HOPPER: The one I have anyway, the exhibit, it has a signature page for each of the counties. This is the form of the agreement, basically, and like I think David or Director Goode said, all other counties have approved by their legislatures this agreement. The actual signature won't happen until all of the counties approve, and the County actually by being the last County who hasn't approved it yet, benefited a bit because the agreement did get amended while the other counties were looking at it so this is the most up-to-date form of the agreement. We had been given earlier drafts. We went over a variety of things with the State. It was redrafted a couple of times and this is the most recent draft, and so this should, this would be the most recent form, and again, there'd be signature pages for each of the counties. They haven't been signed yet because we obviously wanted to wait for the Council's approval, but for the Council's information, this is the form of the agreement that's been approved by each of the other counties; so this should be the most up-to-date version.

COUNCILMEMBER GUZMAN: Okay.

CHAIR COCHRAN: Thank you, Mr. Guzman.

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COUNCILMEMBER GUZMAN: Thank you. I probably would have other questions, but specifically for the limited indemnification clause, but why don't we just move forward, and go for the deferral.

CHAIR COCHRAN: Yeah. I'm going to go ahead and bring this back on my next IEM --

COUNCILMEMBER GUZMAN: Right. Right, right.

CHAIR COCHRAN: --Committee meeting. So with that, Members, we shall release Director Goode.

MR. GOODE: Okay.

CHAIR COCHRAN: Thank you for coming down --

MR. GOODE: You're welcome.

CHAIR COCHRAN: --and bringing this to our attention, but we shall get this put through at my next IEM meeting.

**ACTION: DEFER pending further discussion.**

CHAIR COCHRAN: And, Members, we have two other agenda items, but without objections, I shall defer those two, it would be IEM-50 and also IEM-55.

**ITEM NO. 55: DEFINITION OF "SUSTAINABILITY" AND IMPLEMENTATION OF SECTION 8-15.3(4) OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED (MISC)**

**ACTION: DEFER pending further discussion.**

**ITEM NO. 50: EVALUATION OF THE WAIKO ROAD SUBDIVISION SEWER SYSTEM PROJECT (WAILUKU) (MISC)**

**ACTION: DEFER (no discussion).**

CHAIR COCHRAN: And I wanna just apologize to the viewing public and Committee Members that we don't really have the time today to move forward on these; but, again, along with this item, I will bring it back for the next IEM meeting. And alrighty, with that, any further discussion needed? Okay then, without any items on the agenda today, this meeting is adjourned. . . .(gavel). . .

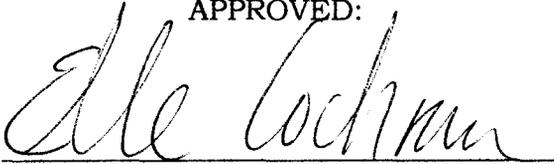
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**ADJOURN:** 4:26 p.m.

APPROVED:

A handwritten signature in cursive script, appearing to read "Elle Cochran", written over a horizontal line.

**ELLE COCHRAN, Chair  
Infrastructure and Environmental  
Management Committee**

iem:min:150202:jz

Transcribed by: Julie Zaner

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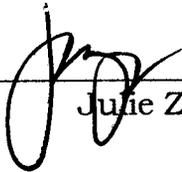
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CERTIFICATE

I, Julie, 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 25<sup>th</sup> day of February, 2015, in Wailuku, Hawaii.

  
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Julie Zaner