

**INFRASTRUCTURE AND ENVIRONMENTAL
MANAGEMENT COMMITTEE**

Council of the County of Maui

CANCELED AT MEETING DUE TO LACK OF QUORUM

FORMAL RECEIPT OF TESTIMONY

M I N U T E S

Council Chamber

September 17, 2018

CONVENE: 1:33 p.m.

PRESENT: VOTING MEMBERS:
Councilmember Elle Cochran, Chair
Councilmember Alika Atay
Councilmember Yuki Lei K. Sugimura

NON-VOTING MEMBERS:
Councilmember Kelly King (left at 1:53 p.m.)

EXCUSED: Councilmember Robert Carroll

ABSENT: Councilmember Don S. Guzman, Vice-Chair
Councilmember Riki Hokama
Councilmember Mike White

STAFF: Maggie Clark, Legislative Analyst
Stacey Vinoray, Committee Secretary

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

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

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

ADMIN.: Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: JoAnne J. Winer
Lisa H. Paulson, Executive Director, Maui Hotel & Lodging Association
Evelyn Goo
Julia Renigado
Margie MacPherson

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

September 17, 2018

Sne Patel, President, Lahaina Town Action Committee
Claire Carroll (via telephone conference bridge)
Triston Rodrigues
Adi Ell-Ad
Barbara Barry
Autumn Ness
Zandra Amaral Crouse
Dick Mayer

Plus (13) other people in the gallery

PRESS: *Akaku Maui Community Television, Inc.*
Axel Beers, Maui Time

CHAIR COCHRAN: . . . *(gavel)* . . . Aloha, will the Infrastructure and Environmental Management [*sic*] meeting, please come to order. It is about 1:33 p.m., Saturday...September 17, 2018. And I am Councilmember Elle Cochran the Chair of this Committee. At this time, please silence your cell phones or any noisemaking devices. And here with me is Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Good afternoon, Chair.

CHAIR COCHRAN: Good afternoon. And Mr. Alike Atay.

COUNCILMEMBER ATAY: Good afternoon, Chair.

CHAIR COCHRAN: Good afternoon. And also thank you, non-voting Member, but nevertheless can participate with us, Ms. Kelly King.

COUNCILMEMBER KING: Good afternoon, Chair.

CHAIR COCHRAN: Aloha. And the Committee Vice-Chair Don Guzman is absent. Mr. Bob Carroll is excused. Mr. Hokama is absent and Mr. White is also absent. Members, I've had numerous meetings with, you know, that we could not deliberate and do our, the work of this Committee due to a lack of quorum, which is happening today as we can see at the head count. And I want to cite that we do have a Rule 13 of the Council and it relates to attendance. And this Rule 13 states a member of the Council or a voting member of this Committee may not be absent from a meeting unless the Member has been excused by the presiding officer, which is myself for this Committee. A member of the Council or voting member of the Committee who is absent may not be excused from properly noticed meetings shall be subject to censure by the Council. And this...and so due to lack of the...of quorum, this meeting of IEM is technically canceled, but we obviously have people from the community here. We can take testimony. We may ask questions, but we cannot deliberate or actually make

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

September 17, 2018

decisions, which is very unfortunate because there's been numerous people's time, energy, effort, and work that have gone into bringing us here today to put on a meeting from our Legislative Analyst, our Secretary, Corporation Counsel, my Executive Assistants in my office. I mean numerous and that adds up to lots, thousands of dollars of hourly wages that are...so, I mean, the list goes on and on. And so, pursuant to H.R.S. 92-2.5(2)(d) this Committee will be taking testimony on the items on today's agenda prior to our adjournment. And just a reminder, Members, that we may only ask questions of the testifiers but no deliberation or decision making may take place. So, we have Ms. Thomson from Corporation Counsel. Thank you, Ms. Thomson for being here. We have Maggie Clark, Legislative Analyst, Committee Secretary, Stacey Vinoray. Ladies, everyone, thank you for all your work. In Hana, we have Dawn Lono. In Lanai, we have Denise Fernandez. And Molokai, we have Ella Alcon. So, we have two items: IEM-79, this is the Permitted Use, Overuse and Management of the Banyan Tree Park in Lahaina Historic District; IEM-38, Visitor Impacts to County Environmental and Infrastructural Resources.

. . . BEGIN PUBLIC TESTIMONY . . .

CHAIR COCHRAN: And at this time, I shall now open up the floor for public testimony. Again, public, thank you for being here and taking the time to come and share your thoughts with us. Ms. Clark?

MS. CLARK: Madam Chair, the first person signed up to testify is JoAnne Winer testifying on IEM-79 to be followed by Lisa Paulson.

MS. WINER: Aloha, Committee Chair Cochran and the Members who are in attendance and even some of the non-members of the Committee. My name is JoAnne Johnson Winer and I'm here to testify on item IEM-79. I really appreciate the fact that you're having this hearing and you're allowing the community to give input. As Members may be aware our County Parks Director requested a transfer of the County's responsibility for the Banyan Tree Park management to the State. The State Board of Land and Natural Resources was set to award a lease of the area; however, it held up decision-making when they were informed that the community had not been given an opportunity to give input at the County level and that item was actually pending, an item was actually pending at the Council regarding use of the park. As you may also be aware, problems erupted when our West Maui Hospital Foundation filed for a permit allowing us to be a participant in events at the park. The process did not work and it resulted in extremely divisive testimony, false accusations and a denial of equal access. Rather than resolve the issues that have plagued the use of the park, and this was well before our request was ever made, the Parks Department passed the buck to the State. I disagree with this approach and, I believe, that the Council should take whatever action is appropriate to correct the problems so that the issues do not keep cropping up with each new request to utilize the area. My recommendation is to appoint a Council subcommittee to investigate the matter and make recommendations

**INFRASTRUCTURE AND ENVIRONMENTAL
MANAGEMENT COMMITTEE**

Council of the County of Maui

September 17, 2018

on how best to resolve the use of the site that is consistent with the terms of the executive order. In this way, information can be gathered and transmitted to the Council as to what actions should be taken to resolve any problems identified and make the needed changes. Data should be gathered from existing participants, community members and agencies that have or could have involvement in the management and/or use of the property. Some potential questions should address history of the site, the costs to maintain the site, the use and capacity of the site, revenues generated by site users and their participants, compliance with Historic District rules and regulations, executive orders relating to the site and whether or not the State or the County should oversee the process. I am more than happy to provide additional information or suggestions on how the Council could proceed and what questions may be useful to ask to help resolve these matters. The animosity and unkind comments that have been made due to our simple request for equal access to this site do nothing to help resolve the issues surrounding use of the area. We are not the problem. It is the flawed process that is to blame. Thank you.

CHAIR COCHRAN: Thank you, Ms. Winer. Members, any need for clarification? Yes, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: I just want to say nice to see you again.

MS. WINER: Thank you.

COUNCILMEMBER SUGIMURA: It's been a while. But on this, what date or what year did you go through this?

MS. WINER: Well --

COUNCILMEMBER SUGIMURA: Was it this year?

MS. WINER: --just in 2017 that we made an application. Actually, it was last year we began going through the process, Cultural Resources Commission, filing an application with the Parks Department. Unfortunately, the Parks Department, in my view, dropped the ball. They did not process our application and then that resulted in a lot of disgruntled testimony at subsequent meetings and, you know, the rest is history because now it's resting with the State Board of Land and Natural Resources because the Administration and Parks Department have requested that the entire matter be handed back to the State.

COUNCILMEMBER SUGIMURA: Thank you. Chair, we'll take that up in detail when this item comes back up.

CHAIR COCHRAN: Okay, very good.

MS. WINER: Thank you.

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

September 17, 2018

CHAIR COCHRAN: Thank you, Ms. Winer.

MS. CLARK: Madam Chair, the next person signed up to testify is Lisa Paulson testifying on IEM-38 to be followed by Evelyn Goo testifying on IEM-79.

MS. PAULSON: Good afternoon, Chair Cochran and Members of the Committee. My name is Lisa Paulson, Executive Director of the Maui Hotel & Lodging Association. We are the legislative arm of the visitor industry. And I'm here today to just share some comments on the proposed resolution IEM-38. In the reference to the third paragraph in the resolution regarding structural capacity, I believe, this is something that we all need to invest time and communication efforts in lobbying our State legislators for a greater share of the TAT, which is the Transient Accommodation Tax, to help with our County infrastructure. For example, in Fiscal Year 2017, \$505 million in TAT taxes were generated throughout the State with the counties only receiving 103 million. Maui County generates an estimated or is generating about an estimated 180 million in TAT and receives 23.5 back--a mere 13 percent of what is generated. In the eighth paragraph, it is cited that there needs to be provided training on sustainable tourism practices and the history and culture of our islands. I would just like to refer to the attachments I put with my testimony that show several training and certificate programs provided currently at UH Maui College funded through...funded wholly through the Hawaii Tourism Authority. We also have Statewide cultural training through the Native Hawaiian Hospitality Association. They bring their qualified staff to each island to provide free training, provided again, through Hawaii Tourism Authority funding. The attached documents show the different courses being funded. These comments are only meant to point out areas that are already being worked on and also to just say that we all have to come together and work on these. We all have a vested interest in protecting our land, resources, economy, and jobs. Thank you.

CHAIR COCHRAN: Thank you, Ms. Paulson. Members, any need for clarification of the testifier? Seeing none, thank you. And we have your written also.

MS. PAULSON: Thank you.

CHAIR COCHRAN: Thank you.

MS. CLARK: The next person signed up to testify is Evelyn Goo testifying on IEM-79 to be followed by Julia Renigado.

MS. GOO: Aloha, Committee Chair Cochran and Members, Committee Members. I want to thank you for having this meeting regarding the Banyan Tree and allowing the community to give input. As for me, I'm giving input from firsthand experience of working side by side with JoAnne Johnson Winer. I would like to begin by saying that the Banyan Tree Park...when it comes to the Banyan Tree Park the system is broken and it's been broken and mismanaged for quite some time now. According to the

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

September 17, 2018

executive order that governs the parcel of land, it was stipulated that the land was to be used for public access. According to the guidelines that were set up to govern the Banyan Tree by Mike Foley, that was acting Planning Director at the time, it was clearly stipulated and I quote: "the LTAC and LAS do not have exclusive rights to permits granted for the Banyan Tree Park." That being said, I believe, that exclusive rights have been granted and other nonprofit groups have been excluded. I say this because of my firsthand experience in the process. I'd be happy to share this experience with each and every one of you in detail; however, it would exceed my timeline that is of three minutes that is before me today. I will say that on May 13th of this year, I e-mailed each and every Councilmember requesting an investigation of the Parks Department and the goings on under the Banyan Tree. At that time, I also submitted supporting documents. One of the documents I submitted was a letter of appeal to the Director of Parks and Rec, who is Kaala. After we had received a letter of denial denying our permit, this letter briefly sums up our experience. And the letter reads as follows: Dear Director Buenconsejo. Thank you very much for speaking with me today...and this is a letter from JoAnne Johnson that we worked together on. Thank you so much for speaking to me on Thursday to discuss our options regarding the Banyan Tree permit application following receipt of your January 23rd letter. Per our conversation we are filing an appeal, consistent with our right to due process and to allow reconsideration for our application of the Banyan Tree based on the following things. Our application was submitted on November 17, 2017, pursuant to the request of both Parks personnel and the Cultural Resource Commission. We are not requesting any changes or additional use so our application should be processed as promised. We were advised by Parks that ours was the only application being processed and no others were filed. To deny our request while others are permitted to be given preferential treatment with no applications on file is discriminatory. We were advised by the CRC that once our application was approved by the Parks the Department, the calendar for the Banyan Tree would be reconsidered to accommodate our request. There was nothing posted on the CRC agenda to the Banyan, specific to the Banyan Tree on the approval of the Banyan Tree calendar. Yet on January 4, 2018, the CRC moved to approve the calendar through June 4 of 2018. The CRC should be subject to the Sunshine Law and as much no action was taken on the agenda item because it was not published. This is a violation of both the Sunshine Law and our right to due process. It has been more than three months since our application was filed. We are not requesting an expansion of activities under the Banyan Tree, only equal access to a public park pursuant to the intent of the Executive Order No. 80 and 2053, timely process of our application is part of the due process.

CHAIR COCHRAN: Ms. Goo, is there a lot more left because --

MS. GOO: Not much left.

CHAIR COCHRAN: --you can submit that in writing. Okay. 'Cause...

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

September 17, 2018

MS. GOO: Not much. I have...well the end...

CHAIR COCHRAN: Is there...

MS. GOO: I can skip to the closing if you'd like?

CHAIR COCHRAN: Well, yeah, I mean, you're already over your three.

MS. GOO: Okay. And, I know, and I apologize.

CHAIR COCHRAN: If you...have you submitted that in writing? I'm just trying to see if we have that in writing somewhere.

MS. GOO: You do have this letter.

CHAIR COCHRAN: Okay.

MS. GOO: I did submit 16 copies.

CHAIR COCHRAN: Okay.

MS. GOO: So, I'll just move to closing at this point.

CHAIR COCHRAN: . . .*(inaudible)*. . .

MS. GOO: If that's okay?

CHAIR COCHRAN: Okay. Sure. Does anyone have any clarification?

COUNCILMEMBER KING: I have a question.

CHAIR COCHRAN: Okay. Yes, Ms. King?

COUNCILMEMBER KING: Thank you, Chair. 'Cause I, and I have to leave 'cause I have a two o'clock appointment, but I just wanted to find out what the event was that your foundation was trying to hold there? Was it a...

MS. GOO: It was our understanding that you have to be a nonprofit to even do any activities under the Banyan Tree. We were going in as West Maui Hospital to try to raise funds so we could speed fast the process of getting a hospital that is much needed on the West Maui side.

COUNCILMEMBER KING: Okay, thank you.

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

September 17, 2018

CHAIR COCHRAN: Okay. Thank you, Ms. King, for being here. And...okay, thanks, Ms. Goo.

MS. GOO: Okay. So, can I move to closing? It's very...

CHAIR COCHRAN: No, I mean, we have it in writing. So, we'll go ahead and look through it in your written format. Thank you.

MS. GOO: Okay. So, if it's in writing, may I ask if it is public?

CHAIR COCHRAN: Yeah, it's in our system, in our public --

MS. GOO: Okay.

CHAIR COCHRAN: --County system, maucounty.gov.

MS. GOO: Okay. Okay. Thank you so much.

CHAIR COCHRAN: Yeah. Thank you.

MS. CLARK: The next person signed up to testify is Julia Renigado to be followed by Margie MacPherson.

MS. RENIGADO: Please bear with me. I'm a little bit nervous.

CHAIR COCHRAN: Take your time.

MS. RENIGADO: Okay. Aloha, everyone. My name is Julia Renigado and I'm here to express the importance of why He U'i exist. Aunty Patty Nishiyama, Na Kupuna O Maui, Nation of Hawaii, started the program of making sure that the Hawaiian language will be passed on to the next generation. It first started with the preschools then to the elementaries then to the high schools and now adult classes, which is now called the Lahaina Hawaiian Language Schools. Aunty Patty Nishiyama believes in educating and preserving the Hawaiian culture, which she's done a great job in keep supporting her love of the Hawaiian culture through actions. He u'i means beautiful handmade things. It was an idea that Aunty Pua Lindsey help create along with Aunty Patty Nishiyama. Their idea was to create an environment to have local Maui artisans demonstrating, sharing and having conversations of the Hawaiian culture and their art form through visitors...their art forms with visitors and residents alike. Aunty Patty Nishiyama has support of community leaders like Bumpy Kanahale for over 30 years and others too numerous to mention. Mahalo for your time and attention.

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

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

September 17, 2018

MS. CLARK: The next person signed up to testify is Margie MacPherson testifying on IEM-79 to be followed by Sne Patel.

MS. MACPHERSON: Hi, everybody. My name is Margie MacPherson. I don't have a speech. I don't really actually know what I'm going to say, but there's got to be a mainstream way to do this. I mean, it's a public park in a historic area. There doesn't seem to be one straight answer. Every time we go through this it's a different department. It's a different this and the rules don't seem to apply to everybody, so it's a select few that get in. So, it shouldn't be this difficult to follow a straight line. What is the procedure? I mean, does it go through Parks and Rec? Who manages it? Why does the Maui Police Department not want to get involved, you know, in the parking issues? I mean, do they, does the Maui Police Department issue parking passes for a public street? There doesn't seem to be any standard of operation. It's this, it's that, and it just seems to just suit the specific people that get to get under the tree. I mean, why is it not the same for everybody? Why is it just preferential treatment for a select few that get under there? And it just, it's mind blowing, it's confusing, and I've been a victim of harassment over there at the park, in the CRC. I mean, why can't it be mainstreamed to one procedure, one way, by whatever government agency is supposed to do it? It's not, give it to the State, give it to the County, give it to the Parks and Rec, give it to the CRC, and you have private entities dictating how things should operate there. I mean, is that wrong or is that right? I mean, shouldn't there be one way for it to be done? That's it.

CHAIR COCHRAN: Okay, thank you. Members, any need for clarification of our testifier? I had a question. So, you're a vendor?

MS. MACPHERSON: Yes.

CHAIR COCHRAN: Or what part do you play here...stake in?

MS. MACPHERSON: I in support with Evelyn Goo and the West Maui Hospital.

CHAIR COCHRAN: Okay. And so you are a vendor, part of their He U'i?

MS. MACPHERSON: No.

CHAIR COCHRAN: No? Alright. I mean, 'cause technically State land, executive order to this County, and it's under Parks and Rec.

MS. MACPHERSON: Okay.

CHAIR COCHRAN: Right, so, that's kind of the bigger players in the whole situation.

MS. MACPHERSON: Okay, so then it gets turned over to the CRC, right?

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

September 17, 2018

CHAIR COCHRAN: Okay. Well, there's rules and regulations that they create within this Historic District, so.

MS. MACPHERSON: Right.

CHAIR COCHRAN: But anyhow, okay, well, thank you for your testimony --

MS. MACPHERSON: Thank you.

CHAIR COCHRAN: --and we shall, yeah, get to the bottom of it. Thank you.

MS. CLARK: The next person signed up to testify is Sne Patel testifying on IEM-79 to be followed by Triston Rodrigues.

MR. PATEL: Thank you, Chair and Councilmembers, for being here. My name is Sne Patel and I'm the current President for the Lahaina Town Action Committee. Our organization's offices are at the courthouse where the Banyan Tree is. And we've been putting on festivals at that park for long time and these aren't crafts fairs. We don't promote 'em as such. They're festivals to celebrate Hawaiian culture, music, dance, Prince Kuhio celebration, Banyan Tree birthday, Festivals of Aloha as well. So, you know, here's the thing. I don't believe that there's this discrimination that people talk about with being able to be under the Banyan Tree. There is a process by which you can submit an application and either get approved or denied. We've been denied permits as well for events that we've wanted to do. One of the goals originally was to have people come together there and perpetuate the Hawaiian culture, and also to make sure that it's not just people selling stuff there but educational component as well. At all of our events, we make sure that there's a keiki component. I have kids. I want to make sure that they understand the past and where we need to be. So, it's more than just being under there as a crafter. It has to be more than that. And, I believe, our organization along with the Lahaina Arts Society and others that been there have a long history of understanding that every single person that's under that tree is first and foremost educating the public, the kamaaina, visitors alike. And we're willing to take steps as well to make sure that there perhaps is more people involved--a broader range of people. We just met as a group, and along with the Lahaina Restoration Foundation, and Theo Morrison, are coming up with a plan that does allow for more people to come in. But I want to make it clear that we just don't want anybody under the tree because that's just gonna cause, you know, I think, a lot more problems with it. I just want to say in closing all of the people that are under the tree they make their own products right now. They're not buying 'em from China or somewhere else and trying to sell it. Okay, and that's an important fact that we have to realize that there are these set of rules that you have to abide by in order to be under there. And one of them is you have to make that art, that craft yourself and also you have to physically be there representing yourself. And these are important rules. In closing, I'd just like to say thank you for your support in the past for our

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

September 17, 2018

organization as well as the others under the tree and we'd like to continue that, and aloha. Thank you for your time.

CHAIR COCHRAN: Okay. Thank you, Mr. Patel. Any need for clarification? We have Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. Your last name is Patel?

MR. PATEL: Yes.

COUNCILMEMBER SUGIMURA: Yes. Thank you. So, from my understanding the LAC, your office is in the Old Lahaina Courthouse?

MR. PATEL: Yes.

COUNCILMEMBER SUGIMURA: And you have a visitor center. And just from my involvement with Aloha Festivals, Festivals of Aloha, I understand some of the rules basically that apply for events to happen there. So, you're saying that anybody who applies, they have to make or it has to be made in Hawaii and it cannot be made, I mean, purchased and resold from another --

MR. PATEL: Yes.

COUNCILMEMBER SUGIMURA: --location?

MR. PATEL: Yeah.

COUNCILMEMBER SUGIMURA: And I know that there's handling of cash. There's a whole process for it. You can't exchange cash --

MR. PATEL: Exactly.

COUNCILMEMBER SUGIMURA: --under the Banyan Tree 'cause of historical. And you have to go to the visitor's center and then come back with your receipt. There's a lot of trust in that. But LAC doesn't...if you're a vendor, LAC doesn't accept the applications, right? It goes to the Parks Department?

MR. PATEL: For our events, the vendors, let's say the crafters that are there, we do take the application, and we do our due diligence in making sure that individual is going to be the right fit to, you know, basically based on the rules that are already in place. So, we apply for the permit as a broader festival or an event under the tree. That was one of the things we wanted to make sure it wasn't just a crafts fair type of environment. It had to be a festival, yeah, or event.

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

September 17, 2018

COUNCILMEMBER SUGIMURA: So, you're allocated like a weekend or something that you plan?

MR. PATEL: Yeah, so, we have certain amount of weekends. And the thing is it's hard for...sometimes a new group wants to come in, it's hard because we've already had like a year's worth of, you know, planning for that particular event or there's a long history for, you know, Festivals of Aloha, over 30 years, and the Emma Farden Hula Festival that we just brought back on where we had to use another location 'cause of what's happening in the Banyan Tree right now. So, you know, there's a long history with these events that the public looks forward to as, you know, as the local community, so.

COUNCILMEMBER SUGIMURA: So, the process is if you wanna have...I'm thinking about the other testifier. So, if you wanna have an event under the Banyan Tree, there's also Aunty Patty Nishiyama.

MR. PATEL: Yeah.

COUNCILMEMBER SUGIMURA: It sounds like she has...

MR. PATEL: He U'i.

COUNCILMEMBER SUGIMURA: He U'i. And then LAC might have some --

MR. PATEL: Sure.

COUNCILMEMBER SUGIMURA: --and Festivals and other people, but who do they apply to? Or who do you apply to?

MR. PATEL: Currently, I mean you would have to go through the Parks Department to get the permit for usage of the Banyan Tree.

COUNCILMEMBER SUGIMURA: And you have to go through a CRC approval?

MR. PATEL: That's right.

COUNCILMEMBER SUGIMURA: Cultural Resources...

MR. PATEL: CRC...Cultural...exactly, that approvals.

COUNCILMEMBER SUGIMURA: As part of the process?

MR. PATEL: Yes.

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

September 17, 2018

COUNCILMEMBER SUGIMURA: So, it's not something you can apply for today for next week?

MR. PATEL: No.

COUNCILMEMBER SUGIMURA: It would probably take a while?

MR. PATEL: It's a long process and as it should be. You know, there needs to be due diligence. Someone shouldn't be able to just come in and utilize that park. That wasn't what the park was supposed to be. It wasn't supposed to be used for that consistent commercial activity because it supposed to be a place of gathering just to be under there and hang out. But, you know, one of the things is before when it was being overused the groups decided okay there's going to be this many rest days. And, so, you know, what we're suggesting is, you know, that we have just the three weekends and then the fourth weekend would be a rest for the Banyan Tree 'cause that's important as well, so.

COUNCILMEMBER SUGIMURA: And then the calendar is set how far in advance?

MR. PATEL: Yeah, like a year in advance.

COUNCILMEMBER SUGIMURA: A year in advance?

MR. PATEL: But a lot of these festivals have been going on for so many years, its tradition. And to say, okay, you know, and the thing is the other groups that have vendors or people that would like to showcase there, they can apply to organizations to become a vendor there. I don't think there needs to be a whole new entity that comes in and says okay we wanna have a weekend under the tree per se. I mean we can all try to work together to figure that out, but they have to make sure that those items are made by hand locally, in Maui County, and that person that is the artist is there in order to answer the questions that the person coming in to the festival may have, so.

COUNCILMEMBER SUGIMURA: So, one last question, Chair?

CHAIR COCHRAN: Yeah.

COUNCILMEMBER SUGIMURA: So, also there's Lahaina Art Society or something that has --

MR. PATEL: Yes there is.

COUNCILMEMBER SUGIMURA: --under the Banyan Tree also.

MR. PATEL: Yes.

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

September 17, 2018

COUNCILMEMBER SUGIMURA: So what you're saying is that an organization, such as the hospital, they can actually come under LAC and become a vendor?

MR. PATEL: Yeah, but I...they can. Absolutely they can. If they wanna apply as one of the vendors there but, you know, our goal isn't to raise money for a hospital. That's like billions of dollars. I don't think we're gonna get there with the festival or like, you know, being under the tree. I don't know if that's the best action, but if they would like to come and raise money for that, yeah, they can come talk to any of our organizations and maybe we can find within...but once again they have to make sure the criteria -

COUNCILMEMBER SUGIMURA: Is met.

MR. PATEL: --you know, is met.

COUNCILMEMBER SUGIMURA: Thank you.

MR. PATEL: Yeah.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR COCHRAN: Okay. Thank you, Ms. Sugimura. Yes, Mr. Atay?

COUNCILMEMBER ATAY: Thank you, Chair. I'm trying to get clarification here. So, your organization is?

MR. PATEL: The Lahaina Town Action Committee.

COUNCILMEMBER ATAY: And you said that the applications or permits are handed out like a year in advance?

MR. PATEL: We try to make sure we have everything planned, you know, like yeah, about a year or so.

COUNCILMEMBER ATAY: So, in a year's time, out of the 52 weekends, how many weekends of permits does your organization get?

MR. PATEL: Our organization currently would have, I believe, six of those weekends in terms of actual usage of that park. And I may be off just by a number there or so, but I'm just counting all the events we put on there.

COUNCILMEMBER ATAY: Okay, and then to your knowledge other organizations that also use that is the...

MR. PATEL: The He U'i, that's Aunty Patty.

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

September 17, 2018

COUNCILMEMBER ATAY: Okay.

MR. PATEL: Lahaina Arts Society in conjunction with the Lahaina Arts Association--LAA.

COUNCILMEMBER ATAY: Would you know offhand, I mean, maybe you don't know, but Lahaina Arts, how many weekends they get?

MR. PATEL: Yeah, I wouldn't be able to answer that accurately, Mr. Atay.

COUNCILMEMBER ATAY: Okay. No, I'm just trying to understand.

MR. PATEL: But I know...

COUNCILMEMBER ATAY: We only get 52 weeks --

MR. PATEL: Right.

COUNCILMEMBER ATAY: --and of the whole year which groups are getting how many weekends and how is it can we --

MR. PATEL: Yeah.

COUNCILMEMBER ATAY: --be fair and equitable to the entire community.

MR. PATEL: Yeah.

COUNCILMEMBER ATAY: At the same time, I'm well aware of the cultural and historical importance of that location --

MR. PATEL: Yeah.

COUNCILMEMBER ATAY: --more so than just a location and an opportunity to sell items to visitors.

MR. PATEL: Yeah.

COUNCILMEMBER ATAY: So, I'm trying to get a better understanding of that. Thank you, Chair.

CHAIR COCHRAN: Okay. Thank you very much. And so, actually there's like four then entities? Or is the Lahaina Arts Association/Society one and the same?

MR. PATEL: Yeah, they're one and the same. I think, they umbrellas of each other so, I think, it goes by Lahaina Art Society, so.

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

September 17, 2018

CHAIR COCHRAN: Okay. Yeah, I'm just trying...and as Mr. Atay just asked the West Maui Hospital folks could just as well apply like any...although these entities have been around as you say a long time.

MR. PATEL: Yeah, long time.

CHAIR COCHRAN: Do...we know what they've been doing it for a long time. So, I think, technically others can jump in and apply and go through the motions --

MR. PATEL: Sure, sure.

CHAIR COCHRAN: --of getting a spot under there, but, I guess, because it's been the usuals there on the weekends, I don't know if they feel sort of pushed out or not able to get their foot in the door type of feeling, I think. But you're stating that that's not true. And but currently, I think, Ms. Winer brought up the point with the process going through BLNR --

MR. PATEL: Right.

CHAIR COCHRAN: --and renewing the lease to an entity and LRF, Lahaina Restoration Foundation, is looking to apply and basically run --

MR. PATEL: The management.

CHAIR COCHRAN: --the way...yeah, the management of courthouse/the Banyan Tree Park, and, I think, I'm looking at some of the narrative on behalf of the foundation and the intended uses would be number one, to follow their CRC regulations --

MR. PATEL: Yeah.

CHAIR COCHRAN: --of what is stated. And following Old Lahaina Courthouse Task Force Report, which...are you aware of this report or do you...

MR. PATEL: Yeah.

CHAIR COCHRAN: I don't...okay probably be something good for this Committee to look at and see what that entails in there 'cause we do fund quite a bit of activities that you folks or...are...the activities under the tree during our Budget Sessions.

MR. PATEL: Yeah.

CHAIR COCHRAN: I know we do, so. Okay. Well, thank you for your time and yeah, we'll be --

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

September 17, 2018

MR. PATEL: Thank you, Chairman.

CHAIR COCHRAN: --look into this moving forward. Thank you.

MR. PATEL: Yeah. Mahalo.

CHAIR COCHRAN: Let me check in real quickly with Hana. I believe, we have someone in Hana. Ms. Lono, are you there?

MS. LONO: Yes, good afternoon, Chair. This is Dawn Lono at the Hana Office and I do have one testifier wishing to testify on IEM-38, Claire Carroll.

CHAIR COCHRAN: Okay, very good. Thank you. Ms. Carroll?

MS. CARROLL: Aloha and good afternoon, everyone.

CHAIR COCHRAN: Aloha.

MS. CARROLL: My name is Claire Kamalu Carroll and I live in Hana, Maui. I'm here representing myself as a resident of Hana. I'm testifying today to give my manao in regards to IEM-38. Working in the hospitality industry for over 20 years, I've seen changes happen. We're now facing many challenges with our tourist industry. In Maui we faced two storms that caused an impact for economy here in Hana. I support the education from our...to our visitors and to be educated in the do's and don'ts and where it is necessary. These include educational material and support from our Visitor's Bureau to help in the task as, such as place cards in rooms, at resorts, and rentals, rental car companies, and possible in flight to Maui County. It would actually be best if we could have support from our State to allow more monies from our TAT. In Hana, tourism is the hand that feeds us and we all agree that there is needs for more facilities such as rest stops with restrooms, more parking areas, possible signage to spread education to our visitors. As a sustainable tourism board, I would like to say is it intended to be a volunteer board or is it intended to be a compensation to be a board member? Who will coordinate this and if there will be any community input in how this board will be created to be beneficial to both visitors and residents? Also, what would be the qualifications to be a board member? I truly support everyone to be more environmentally friendly and I've seen many positive changes that companies have implemented by using recycled products that are safe for our environment and to our landfills. We have companies that support Hana by purchasing lunches and going to locally-owned shops to help support local. Not all of them do, but we appreciate those who do. Protecting our aina is very important and needs to be an island-wide effort by the community. One last concern is adding an extreme dream list of items that we expect to be followed that may affect how our visitors will look at Maui as an island you don't want to go to because it's over regulated. I ask the Committee to take this time to go over the pros and cons carefully for here on the East Side we have generational families that rely on our visitor industries to support our families. Hana

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

September 17, 2018

has been impacted by the decrease of visitors. This is due to the previous storms. People are cancelling their trips and also heavy rainfall has made it more difficult to journey to our small town. Thank you, everyone, for your time.

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

MS. CARROLL: Aloha.

CHAIR COCHRAN: Aloha. Okay, let me check in, Lanai, Ms. Fernandez, anyone there to testify?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

CHAIR COCHRAN: Thank you, Ms. Fernandez. Over on Molokai, Ms. Alcon, anyone there to testify?

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

CHAIR COCHRAN: Thank you, ladies. Please let us know if you do get someone. Thank you. Alright, we'll get back to the gallery.

MS. CLARK: The next person signed up to testify in the Chambers is Triston Rodrigues testifying on IEM-38 to be followed by Adi Ell-Ad testifying on IEM-38.

MR. RODRIGUES: Aloha mai oe, Chair Elle, Councilmen. My name is Triston Rodrigues. I'm here on behalf of IEM-38. I express a lot of concerns as a taxpayer and as a worker for the tourism industry. I am currently a permit holder, currently a tour guide, as well as just working over in this industry for quite some time. But I have several questions that I bring to this hearing because for the past bunch of years that I've been in the industry. I have no knowledge of what Ms. Paulson might have been mentioning earlier about teachings, knowledge passed down to all our workers in the industry about our future, our reefs, our ocean, if we want it to be here in the future for our keikis and our grand keikis. I know that there is not a lot of awareness of these classes that she's told us about, which our workers within the industry know about to go and get education about teaching the rest of our tourists what we should be teaching 'em for generations to last in the future. What Ms. Paulson said where this things is being taught, where it's at, I don't know anything about that. I never heard about it ever as being a worker in the industry, on the beaches, in the waters. It's not aware to me that this is available to people like me. In my opinion, there's not a lot of people in this industry where I work on the beaches, in the waters, that know about such a program or things. Awareness has not been brought to my attention as well as a lot of others so I'm here to say that there should be a better way to let us know that there are such things to be taught so that we can teach them so that we can help last our future generations to repeat what I'm doing. I want my great grand

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

September 17, 2018

keikis to be in my shoes to fulfill to host this tourists. But right now, with the money as a taxpayer, you know, we giving 4 million a year to the tourism industry, and I don't know nothing about that, about where I can be taught more education about what I can be teaching our people so that we can last. So, basically, that's what I'm here to say is that, you know, I don't know any about any of the programs. You know, I'd like to find out about it. This is the first I'm hearing about Ms. Paulson saying it and whatnot, so, I just wanna see where it is or how it is I can get spread more manao that all of my industry and co-workers like me can help. I mean, that's basically why I'm here. I just want more answers of where this money is going and what it's doing to help educate guys like me to help our tourists to help us overall. Okay, and that's all I here for, you guys.

CHAIR COCHRAN: Thank you. Thank you very much for your testimony. Members, any need...yes, clarification, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Thank you for being here. So, your business is...do you work for a hotel? Do you work for...are you self-employed?

MR. RODRIGUES: Yes. Yes, both actually. I work for hotel and I'm self-employed in the industry, both actually.

COUNCILMEMBER SUGIMURA: And your profession in the hotel and your profession in your business?

MR. RODRIGUES: I manage a beach activity company and I owned a beach activity company. I do it both, so from one end as with the hotel and one end for myself. But from both ends, I have no knowledge of such programs that exist for people like me, and I just wanna have a better way that it can be shared with us that such things exist, and I wish it could be a requirement for guys like me, tour guides, et cetera. I wish it could be required for us to have this available for us to learn and not just an option or things that we don't even know about that my money is going to. Big question mark on my head of why this is being done or why I'm not aware of such programs basically.

COUNCILMEMBER SUGIMURA: So, maybe you don't want to say it on, through *Akaku*, but if you could share with me what hotel you work for? Just curious.

MR. RODRIGUES: I do work at the Grand Wailea in Wailea.

COUNCILMEMBER SUGIMURA: Oh, you work for Grand Wailea?

MR. RODRIGUES: I do.

COUNCILMEMBER SUGIMURA: Kainoa Horcajo is your Hawaiian cultural person there.

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

September 17, 2018

MR. RODRIGUES: Correct, correct.

COUNCILMEMBER SUGIMURA: And he doesn't have any classes for you or there's nothing that the hotel provides for you?

MR. RODRIGUES: None. To be honest, I'm a vendor of the hotel. So, maybe because Kainoa is a cultural within the hotel and we're a vendor, it's a possibility nothing is offered to us. Being a vendor maybe something might be offered within the hotel, but the hotel chooses to use a vendor to do the beach activities. So, maybe, I mean, some kind of relaying of process should be there, but there is none. There's no requirement, nothing that's shown or offered to me. So, you know, I'd like to...I'd like something to be done about that because, again, in Wailea, man, there's not too much people amongst the other businesses I see that have such manao to share with the future so that we can repeat this 'cause it ain't going happen if we continue doing what we doing right now, what I see, what I witness, ain't too much more generations gonna last unless we start now, plain and simple.

COUNCILMEMBER SUGIMURA: Interesting. You're at a hotel that is really heavily involved in the Hawaiian culture and I've gone to the Maui Native Hawaiian Chamber.

MR. RODRIGUES: That's right I do hope for the future for it to get there, but I'm hoping something like this could spark something to make sure that the process is being done right where we can pass down the right information, trainings, et cetera, so that we can hurry this process up to stop letting all the bad or negative stuff impact our future.

COUNCILMEMBER SUGIMURA: So, one last question.

CHAIR COCHRAN: Sure.

COUNCILMEMBER SUGIMURA: So, in your profession, as a beach activity company, and as a consultant, so you're saying there's no requirements that you need to know anything about Native Hawaiian culture, visitors? You just get your business license. You sign up and you are in business. You don't have to do anything --

MR. RODRIGUES: That is correct.

COUNCILMEMBER SUGIMURA: --to become certified?

MR. RODRIGUES: That is correct. Well, you probably have to take a CPR class to fill the shoes I'm in.

COUNCILMEMBER SUGIMURA: First aid.

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

September 17, 2018

MR. RODRIGUES: But, in my opinion, in my knowledge, that's the only thing that's required of you to be beach boy or someone to do beach activities, tour guide, et cetera. I mean, only a CPR card is required. I mean, I wish there was more 'cause it could definitely help us in a lot of ways for our future.

COUNCILMEMBER SUGIMURA: Oh interesting. Thank you.

MR. RODRIGUES: Yeah. Okay.

CHAIR COCHRAN: Thank you, Ms. Sugimura. Mr. Atay, you had --

COUNCILMEMBER ATAY: Thank you, Chair.

CHAIR COCHRAN: --questions?

COUNCILMEMBER ATAY: Thank you for being here, Mr. Rodrigues. Thank you for your enlightening sharing. You know, this IEM-38, talks about visitor impacts to the County's environmental and infrastructure resources. And what you just shared to me is quite evident that the role that the everyday employee in the tourism industry is a part of our infrastructural resources. We give almost 4 or almost \$4.2 million into the travel industry. It's quite evident that, you know, I think, the kuleana of the hotels, like what was shared earlier, is to educate the visitor of our culture. But some of the base kuleana is to educate the workers, so kind of like mentoring the mentors because your workers, yourselves, are the mentors to our visitors. So, I think, information for the industry to heed the investment in education into the field workers, like what you're expressing that you're not getting. Thank you for your presence and your testimony. For me, very enlightening and a visit is needed with the management of the industry.

MR. RODRIGUES: I agree, sir. Thank you.

CHAIR COCHRAN: Thank you. And thank you so much for your time today. Thank you.

MS. CLARK: The next person signed up to testify is Adi Ell-Ad to be followed by Barbara Berry.

MR. ELL-AD: Aloha, Chair. Aloha, Councilmembers. And I want to second Triston by the way and I'll explain in a second. And, I think, Ms. Carroll from Hana read by mind. And my name is Adi Ad. I'm more known in these walls as the film editor of Kuleana. Been here before. You guys had a resolution for us. And I'm also a photographer in the resorts, mainly at the Grand. And Kai by the way is a dear friend of mine. Most of my knowledge comes from him. As a vendor at the Grand, no we do not get any instructions of how to work. It's not what I want to talk about. I want to emphasis something that happens to me all the time. Every family, couple that I shoot in any resorts, I try to educate them. I start with, you know what aloha means? And you get

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

September 17, 2018

people that been here five times, been here for a week, don't even know the meaning of aloha beyond the use of hello and goodbye. And I try to explain that it's not only goodbye. It's used as that and I explain the whole breath of life and how aloha life is lived here. I also have them do the breath of life exchange. Some of them go, ooh, we can't do that. Some actually, you know, embrace it. Yeah, education through people like us that are in daily touch with the visitors, very important. What I want to suggest to add to the resolution is produce a video. And a video about all the issues, you know, cultural, sustainability, local business, ocean behavior, land behavior, and respect to how we live here. A video that will play in all the airlines, not just Maui. I believe, this should be a State thing. You know, buckle your seatbelts, we're on approach to landing, we have ten minutes left, play a video. They have to watch it and then produce the video in a way that is also work only visually so we can play it in the rental car places and give it to the hotels to play in the hotel channel. That's how we educate. I believe in the power of education, visuals, are a big thing. I've been...I used to live on the Big Island more than seven years ago, I approached the visitor bureau there. They didn't want to scare the visitors with information. I hear the same thing here sometimes. We don't want to scare the visitors. Well, it's not scaring 'cause education is power. And if you teach a person how to behave in the ocean they might save a life, save their lives, you know. That's my point. Thank you.

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

MR. ELL-AD: Aloha, thank you. Mahalo.

MS. CLARK: The next person signed up to testify is Barbara Barry to be followed by Autumn Ness.

MS. BARRY: Aloha, Chair, Committee Members. Thank you for being here today. I'm here to make a comment about IEM-79. It's really enlightening as someone who just looks at the Banyan Tree as a must go to place to sit and absorb all of the energy out of that beautiful spot. So, it's a little upsetting to see people jockeying and fighting over, you know, not getting their needs met about being under the tree when really being under the tree and not doing anything but being under the tree is the gift of the tree. So, the other thing I want to make a comment on is IEM-38. I support the OED to require the Maui County Visitor Association to incorporate specific environmental action items into grant objectives. I also support funds to be allocated to determine a visitor maximum density to maintain safe and environmentally sound levels during high season, hurricane season, and hurricane season for our residents, first responders and visitors alike. I also support the Hawaii Visitors Bureau to educate all visitors in several languages about protecting water resources, reefs, safe sunscreens, recycling and respecting our host culture. And this could be done on the back of the entry agricultural cards that everyone has to sign. There's a lot of data mining that goes on the back of that card and it certainly could be devoted to education as well. So, I just want to just say that we are all ambassadors and our kuleana here is to educate

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

September 17, 2018

people that are coming here to visit for their safety and also the safety of our islands. So, thank you very much.

CHAIR COCHRAN: Thank you, Ms. Barry. Members, any need for clarifications? Seeing none, thank you.

MS. BARRY: Thank you.

MS. CLARK: The next person signed up to testify is Autumn Ness testifying on IEM-38 to be followed by Zandra Amaral Crouse.

MS. NESS: Aloha, Committee. My name is Autumn Ness. I wanted to respond to some of the commentary on IEM-38 from the Bureau and the industry that this resolution is unnecessary. I'm really proud of the industry itself, the Visitors Bureau and the Hotel and Lodging Association, for putting these press releases out and really trying to change the conversation about the direction of tourism. I do, however, think that it's not enough. I don't see how any of those plans, those strategic plans, and those implementation graphs, are translating into action. It's really not. I'm an outdoors person. I hang out in places where tourists hang out all the time--hiking trails, reefs, beaches. And I see with my own eyes the impact of these high numbers of people that are not being educated, plans or no plans. They don't know what's going on. I...a large number of my friends that are having problems with housing because of short-term rentals. All my friends that work in tourism, they want better. To help Councilmember Cochran out with this resolution, I literally took this resolution and walked South Maui and West Maui and stopped in dive shops, surf schools, Boss Frogs, all the places where all the tourists go, and everybody agrees that we need to do better, every single person. And not one of them knew about the current training programs that exists, not a single person. They all thought this is a great idea, let's do it. They wanna do it. They need some leadership though. If we have all these well-funded programs that create these trainings but nobody knows about them then why does it matter, you know? When I'm surfing or paddling, I hear guides probably couple times a month talk about Kahoolawe like it's Molokai or Lanai. When I'm in Kihei surfing, I see surf schools giving their students, giving their clients bottled waters, giving them reef boots to walk all over the reefs. It's happening right now. Yeah, we have a Hawaii Ecotourism Association with certification, but is anybody certified? No and they're not. I know they're not because they're giving out plastic water bottles and reef boots. So, whether this exists or not, is a separate conversation. If people are using it and if it's translating into actions is a whole another conversation. I get that big change takes time especially when working with a huge industry and these huge entities that are multi-faceted and they have Statewide arms all over the County, but if there's one thing I've learned going in my growth working in this body it's that reports and plans don't mean action. They just don't. Reports and plans are expensive things that take up shelf space that don't hurt...or don't help anybody. So, we have to find a way to take these solutions to the people like Triston, like I'm sorry I forgot your name, that are working with people every day

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

September 17, 2018

or else it means nothing, and we don't have time for a ten-year strategic plan. I've seen in my short...my daughter's only six. She's been snorkeling with me for two years. And in that short two years, from when she was four until now, the reef in front of the Andaz is completely a different place because people at the Andaz are not telling their guests not to walk on it and not to touch things and not to pick up things. Two years from when she was four to when she was six, the reef in front of the Andaz is a completely different place. Maybe there's training available for them, but are they required to take it? No. Is anyone at their hotel telling those people to not step on the reef? No. My daughter tells them. She's six. She's like you can't step on that thing with your fins please. It's alive, you know. So, anyway something needs to be done faster and that's what I hope that comes of this conversation. My short time walking South and West Maui with this resolution and talking to the tourism industry makes me way more positive about what the industry itself wants to do. They just need some leadership. They're all running businesses and half of them are working two jobs. They need someone at the top to lead them into something better and, I think, they're all really waiting for that. Thank you.

CHAIR COCHRAN: Thank you. Members, any need for clarification? Seeing none, thank you, Autumn.

MS. CLARK: The next person signed up to testify is Zandra Amaral Crouse testifying on IEM-79 to be followed by Dick Mayer.

MS. CROUSE: Good afternoon, Councilmember...Chair, Committee Chair and Committee Members who showed up. Thank you very, very much. My name is Zandra Amaral Crouse. I'd like to if I could, Madam, to go say just a liilii about IEM-38.

CHAIR COCHRAN: Okay.

MS. CROUSE: Thank you, thank you. I hear the passion of the people who testified. The tourism industry has been good to me. I raised two children on that income. My son works for a large hotel out in Kapalua. My daughter now works for someone in Wailea. And so, I'm very grateful there. And it has come to time when I think even our young generations, my young, and my son, my son and my daughter's age brackets, they're seeing the need to educate our tourists. So, I thank this Committee for bringing this forward. I thank the community, Committee Chair, for participating in the discussion. I especially am very proud of the younger generation who's coming to testify and passionately make it known that everyone is in agreement. We want to protect what we have. And, I believe, that the travel industry will be in harmony with us as well. I have seen hotels like the Royal Lahaina embrace educating their visitors, and I look forward to. It means something that the tourists, I'm sure they want to protect, we want to protect for our moopunas and our ancestors want us to do the same because we were given that duty. And all will benefit through this. It may be a long process, but education never fails. Mahalo.

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

September 17, 2018

CHAIR COCHRAN: Thank you.

MS. CROUSE: You're welcome.

CHAIR COCHRAN: Members, any need for clarification? Seeing none, thank you.

MS. CROUSE: On IEM-79, Committee Chair, I would like to continue the testimony of Ms. Evelyn Goo and former Councilmember Jo Anne Johnson's transmittal to the Department, if I may? Thank you. She left off on item four. I'll continue on item five on your letter you have before you. Pursuant to a Department of Planning Memorandum dated August 11, 2004, it is clearly stated on Page 3 that Lahaina Town Action Committee and Lahaina Arts Society do not have exclusive rights to permits granted for Banyan Tree Park. West Maui Hospital Foundation is seeking a legal permit for equal access, which is affirmed by the original executive order. We believe a denial or delay in responding to our request is a violation of our civil rights. Item six, by allowing certain nonprofits to continue their exclusive use of the Banyan Tree Park and Maui County's failure to apply the same standards and requirements to all is in direct conflict with the public use stipulations in the executive order granting Maui County control of the property. They close by saying thank you for considering our appeal and justification as to why we should be granted equal access and fair treatment with regard to our permit requested for the Banyan Tree Park area. If there is anything further that is required please advise us. Sincerely, Jo Anne Johnson Winer. And I'd also like to conclude, this year our family just celebrated 140 years of our ancestors migrating to Hawaii from Portugal. Why is this important to this? My great grandfather's house still sits along the railroad tracks in Lahaina across the beach. My grandmother was born there. My mother guys were practically raised there and the Banyan Tree is something I grew up under. And, I believe, it is a very spiritual important place. But I do believe that if we are going to allocate rules it needs to be done equitably because that's what the Banyan Tree and everything cultural to us stands for--equitability. Thank you. Mahalo.

CHAIR COCHRAN: Thank you. Any need for clarification? Seeing none, thank you.

MS. CROUSE: Thank you.

MS. CLARK: Madam Chair, the last person signed up to testify in the Chambers is Dick Mayer testifying on IEM-38.

MR. MAYER: Thank you, Chair. My name is Dick Mayer. I'd like to talk about the resolution that you have on tourism, item 38. Many of you may have seen the article that I put into the, the viewpoint I put into *The Maui News*, which relates to this whole overall issue. I'm very concerned about our tourism industry and where it's going. I think, this resolution is very much a step in the right direction. But I would urge you to go much further with it and put the Maui Visitors Bureau on notice that their job is

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

September 17, 2018

not to do marketing. They've been too successful at doing marketing. Sending tour groups out, promoting the island. And I'd like to refer to our Maui Island Plan and also to our Countywide Policy Plan. Both of them speak strongly about the need to regulate the size and the impacts of that industry. And consequently, I would like you to have them prepare annual reports as is called for in the plans that they indicate the impacts of the industry on the island. The problem is not that tourism is a bad industry. Tourism is a very good industry, but when it goes too far as it has on Maui we have major problems, major impacts. We all know what the housing problems, a whole host of environmental problems that I don't have to go into. But what needs to be done is that we need to start talking about the numbers of people coming here in a very different way. The State's tourism industry talks about the 2.7, 2.8, 2.9 million people who come annually to Maui. That number is a meaningless number 'cause we don't know whether those people are staying one day, two days, ten days, very different. What we need to do is count how many people are on the island at any one time. And our Maui Island Plan speaks very specifically to that in several places, in the population section, and also in the economic development section. And it gives actually a ratio that we should be striving for. We have 156,000 people on the island...or residents on the island. The plan says that there should be roughly one-third of that number, which would be 52,000 tourists on the island at any one time. This past month the latest figures show that we have 75,000. We're way over, almost double, almost 50 percent more than the plan calls for. And yet, we're still talking about having more tourists come to the island, building a hotel for 200 more rooms at the airport, allowing vacation rentals, et cetera, et cetera. We need to bring that under control and limit those numbers down and do everything we can. One way of doing that would be to get the fees up that are charged to the hotel in the property taxes. Their property taxes are extremely low. They're making bundles of money that they're shipping out of the island. They should be paying our workers here proper salaries so that the workers can buy housing here on Maui. They should be able to afford what we think of as affordable houses, 3, 4, 500,000. They should be able to buy those houses with the salaries that they should be paid for by the industry. All of that should be done in this resolution that we put the burden on the Maui Visitors Bureau to change from marketing to managing the effects on the island so that the residents of Maui gain from this growth and do not suffer from it. Thank you.

CHAIR COCHRAN: Thank you, Mr. Mayer. Members, any need...Mr. Atay?

COUNCILMEMBER ATAY: Thank you, Chair. Mr. Mayer, you stated about increasing RPT in the hotel section. Can you expand on that?

MR. MAYER: Yeah, right now there are two aspects to it. As you know, when you go through your budget, the property taxes that are paid for by people. The assessments should be roughly 100 percent of the value of a property. It's usually a little bit lower and there's a lag of a year or so. I'm going to give a couple of examples. The Grand Wailea Hotel just sold this year for \$1.1 billion. Its assessment is only 330 million, one-third of its value. I could go through all of the hotels and show you the similar pattern of

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

September 17, 2018

numbers where the assessments are extremely low. The Kaanapali Beach Hotel, which is managed by your Council Chair, has not had a basic increase in its property tax assessment for 20 years. We know that the values of land and the properties and the input...incomes that these hotels are generating has gone up considerably. They are worth much more. If he sold that hotel today, it would get much more than what they would have gotten 20 years ago. So, I'm asking you to put pressure on the Real Property Tax Division to do the proper assessing of hotels just as they are doing with residences. When your residence goes up in value you got an increase. The hotels are not seeing a comparable increase. The second part is the property tax rate. Maui County's property tax rate on hotels is the lowest in the State. Oahu, Kauai, Big Island have higher tax rates on property. The result is that although Maui Councilmembers and general public complain constantly about not getting back the TAT tax from the State, we have something that we can take control and that is our property taxes. And the property taxes should get revenue for this County to handle the impacts. And can use some of that money to provide the bathrooms that are needed at the beach, to provide all kinds of amenities that would make life on this island a lot better for both for tourists and for the residents. What we need to do is maintain a quality product here. We don't need growth of more rooms. What we need to do is maintain it so that the tourist industry does not kill itself. Unless we and the public and your office and the Planning Department and the other offices actually make the effort to plan properly we are just going to see an uncontrolled growth and the deterioration of a quality product and pretty soon the rates that the hotels can charge will go down because the tourists won't want to come here. All those things that we now have an opportunity to keep a high quality place here so those tourists will have the money whether they live in Tokyo or Toronto or New York or wherever they may be wanting to come from they will be wanting to be paying for a premium product and we will be living in an environment with a premium product.

COUNCILMEMBER ATAY: Chair?

CHAIR COCHRAN: Yes, go ahead.

COUNCILMEMBER ATAY: When you refer to Maui's hotels' real property tax rate being lowest, what would it be if we were to increase it equal to the Big Island, Kauai or Honolulu?

MR. MAYER: Yeah. I don't have the latest. Oahu's, I think, it's something on the order of 20 percent more than ours. I think that was the last I saw it. I could be off, but something of that order. So, whatever we're collecting now and I haven't added up the property taxes paid by all the hotels. But if we did add up and you might figure you get 20 percent more. And I'm making this number totally up, I have no idea. Let's say it's 40 million a year or 60 million a year. Twenty percent more will give you another 12 million if it's 60 million. So, it's that order of magnitude and that doesn't include reassessing them. If you assess them at their values, the Grand Wailea is one example. The Westin on the west side was just purchased at a significant price. If we

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

September 17, 2018

assess them close to those values, now you don't have to assess the beds in the hotel, that's part of the cost a hotel once purchased. But if you took the real property value, the buildings and the land and the other things that are taxed when you look at a property, it will be considerably more than the 330 million that the Grand Wailea is assessed at.

COUNCILMEMBER ATAY: Okay, thank you.

CHAIR COCHRAN: Thank you. And, Mr. Mayer, so the item is visitor impacts to the County's environment and infrastructural resources. So, what are your little more finer details in reference to that?

MR. MAYER: Let me give you an example, something that's in the Maui Island Plan. You don't have to go very far to get the verbiage. It says, let me pull it out here, implementing action in the Maui Island Plan. Conduct and regularly update an impact assessment (social, economic, and environment) of the costs and benefits of mega-resorts, timeshares, vacation rentals, and other types of visitor accommodations. And then mitigate the impact of tourism on the host culture, natural environment, et cetera. That's what your plan does. It talks about mitigating the impacts, but what we need to know, we don't even know what the overall impact is. When you stand in traffic, we have as I said roughly 75,000 tourists on the island, 156,000 residents. So, you can figure since they drive all day long on the roads they're probably putting more miles per days than the residents are doing. So, the impacts on our highways are significant. We want to know what those numbers are so that when we have charges for rental cars on the island that the County should be getting some of that revenue, not just going into the...because they rented at the airport all go to the State Airport Fund. The County should be able to tax those things one way or another, finding ways to do it. So, those are the impacts that I'm talking about and the ways to raise the revenue that we need. We should also for another example of that would be that may be the County should do a study see what can we do to the transportation system from the airport to Wailea, and the airport to Kaanapali, so that people will rent their cars at those resorts rather than driving in the middle of the night after a long drive...after a long flight, driving out to these resorts in the night time. They would be able to get transportation out there. We may be able to charge them as a County bus service, a transit service, for those kinds of things. And so it's a long-range of many, many elements to it all, but what we need to do is not allow the numbers to keep creeping up and we need to make sure that they're paying their fair share.

CHAIR COCHRAN: Yes, very good. Thank you very much for your testimony today, Mr. Mayer.

MR. MAYER: Thank you.

CHAIR COCHRAN: Any other? No, okay. Thank you very much. Is that it for testifiers? Anyone left in the gallery that would like to come down to testify? Seeing none,

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

September 17, 2018

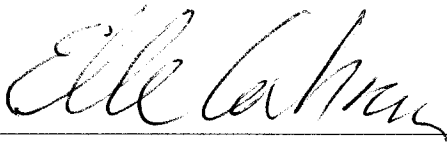
Members, without objections, I shall now close public testimony then. Thank you very much.

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

CHAIR COCHRAN: And so, we...it's just us and Corporation Counsel here and the three of us. So, I wanna say I did pull up a record of attendance here for my particular meeting...Committee. And I must say Ms. Yuki Lei Sugimura you get a gold star. You've made every single meeting. So, thank you so much for that. And Mr. White and Mr. Hokama both have missed ten....we've had, I've had a total of 13 IEM meetings. Ten of them they have been absent. And, Mr. Atay, you have done quite very well. You've attended ten. And so...and Mr. Guzman attended eight and has been absent for five of those. But, you know, Members, I think, in the end not just that all the work that our OCS Staff and our Administration have done and the Executive Assistants in my office and others, you know, it's the work of this community, 'cause really every item I put on this agenda is to better this community to move forward as Mr. Mayer, you know, mentioned, right? This is things that we need to work on and when we have zero quorum we cannot deliberate, we cannot make decisions and move those efforts forward. So that's the very frustrating and sad part to all of this. But here we are trying to do what we can. At least we got to hear the voices of this community. Our testifiers, thank you so much for coming. Unfortunately, we cannot make decisions here today, but, so, last meeting I didn't have quorum, so I'm going to move those agendas upcoming and then this will follow that agenda just to try and complete things before the term ends. So, Members, any...do you want any question? No, nothing, okay. And again, everyone, thank you. Thanks for your attendance, and we have some Planning Department people here, but nothing. And with that then meeting is adjourned. . . . *(gavel)* . . .

ADJOURN: 2:45 p.m.

APPROVED BY:



ELLE COCHRAN, Chair
Infrastructure and Environmental
Management Committee

iem:min:180917:df

Transcribed by: Delfey Fernandez

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

September 17, 2018

CERTIFICATE

I, Delfey Fernandez, 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 this 8th day of October 2018, in Wailuku, Hawaii.



Delfey Fernandez