

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

**M I N U T E S**

**Council Chamber**

**October 15, 2018**

**CONVENE:** 1:32 p.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Elle Cochran, Chair  
Councilmember Don S. Guzman, Vice-Chair  
Councilmember Alika Atay (in at 1:35 p.m., out at 3:26 p.m.)  
Councilmember Robert Carroll  
Councilmember Riki Hokama  
Councilmember Yuki Lei K. Sugimura (out at 3:35 p.m.)

NON-VOTING MEMBERS:

Councilmember Kelly T. King (in at 3:10 p.m.)

**ABSENT:** Councilmember Mike White

**STAFF:** Leslee Matthews, Legislative Analyst  
Traci Fujita, Legislative Attorney  
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  
Michael Miyamoto, Deputy Director, Department of Environmental Management  
Lisa Almeida, Parks Permit Officer, Department of Parks and Recreation  
Roxanne Teshima, Grants Coordinator, Department of Parks and Recreation  
Joseph Alueta, Deputy Director, Department of Department of Planning  
Annalise Kehler, Planner V, Department of Planning  
David Goode, Director, Department of Public Works

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**OTHERS:** Theo Morrison, Executive Director, Lahaina Restoration Foundation  
Joseph Blackburn, Managing Agent, Waikapu Gardens  
Sne Patel, President, Lahaina Town Action Committee  
Bill Smith, Executive Director, Lahaina Arts Association  
Autumn Ness  
Evelyn Goo  
Alicia Sullivan  
Albert Perez, Executive Director, Maui Tomorrow

Plus (9) other people in gallery

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

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CHAIR COCHRAN: . . . *(gavel)* . . . Aloha, will the Infrastructure and Environmental Management [*sic*] meeting please come to order? Today is October 15<sup>th</sup> and it's about 1:32 in the afternoon. I am Elle Cochran, the Committee Chair. At this time, please silence cell phones, any noisemaking devices, and we have joining me at the meeting is Vice-Chair of the Committee, Mr. Don Guzman.

VICE-CHAIR GUZMAN: Good afternoon, Chair.

CHAIR COCHRAN: Hi, aloha. Mr. Riki Hokama.

COUNCILMEMBER HOKAMA: . . . *(inaudible)* . . .

CHAIR COCHRAN: Aloha. Ms. Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Good afternoon, Chair.

CHAIR COCHRAN: And Mr. Bob Carroll.

COUNCILMEMBER CARROLL: Good afternoon, Chair.

CHAIR COCHRAN: And happy belated birthday. And from, let's see, we have Chair White absent, Mr. Alika Atay excused, and Corporation Counsel, with have Ms. Richelle Thomson, hi there; Mr. Michael Miyamoto, of Department of Environmental Management. And joining us later will be people from Planning Department, Mister, Deputy Director Joe Alueta; Annalise Kehler, Cultural Resources Planner; and is Tamara Farnsworth coming, Mr. Miyamoto? Tamara Farnsworth is she going to be...

MR. MIYAMOTO: No, Chair.

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CHAIR COCHRAN: Oh, okay. Alright, on another day then. So, Committee Staff we have Secretary Ms. Vinoray, and also, we have sitting in Leslee, Matthews is it? Yes, Leslee Matthews, so, welcome. And we have Ms. Traci Fujita also with us, Legislative Attorney. We will have also Theo Morrison, Executive Director of Lahaina Restoration Foundation. She's here in the gallery. Oh, over there, okay. So, we have three agenda items, Members, IEM-56 Refuse Service for Waikapu Gardens, Wailuku; IEM-79 Permitted Use, Overuse and Management of the Banyan Tree Park in the Lahaina Historic District; also IEM-38 Visitor Impacts to County Environmental and Infrastructural Resources. And before I go on I want to recognize Mr. Alika Atay.

COUNCILMEMBER ATAY: Good afternoon.

CHAIR COCHRAN: Good afternoon. So, Members, IEM-79 and 38 were both scheduled for Committee's meeting of September 17<sup>th</sup> of 2018. And this meeting was cancelled but testimony was received, pursuant to HRS 92-2.5D. Members, we were able to take questions...to ask questions and of testifiers, but no deliberation or decision making took place. HRS 92-2.5D3 provides, before its deliberation or decision making at a subsequent meeting, the board shall A, provide copies of the testimony and presentations received at the Council's meeting to all members of the board, and B, receive a report by the Members who were present at the cancelled or terminated meeting about the testimony and presentations received. No presentations were received at that meeting. Staff will now distribute copies of the testimony received at the meeting. The only Members present at the meeting on September 17<sup>th</sup> were myself and Committee Members Alika Atay, and Yuki Lei Sugimura. I offer the following summary of testimony on behalf of the Committee. So, the Committee received testimony on IEM-79 from Joanne Johnson Weiner. Ms. Weiner recommended evaluating the current permitting process for fairness and creating a subcommittee to investigate the matter relating to the Banyan Tree Park to make recommendations on how to keep use of the site consistent with the terms of the original Executive Order. Ms. Weiner also recommended collecting information from permittees, community members, and agencies that have, or could have involvement in the management, and/or use of the property. The Committee received testimony on IEM-38 from Lisa Paulson, Executive Director of Maui Hotel and Lodging Association. She stated that time and communication should be invested in lobbying the State Legislature for a greater share of the TAT, Transient Accommodation Tax, to help with County infrastructure. She also brought attention to available training for various entities relating to tourism, cultural competency, and visitor impacts to environmental resources. The Committee received testimony on IEM-79 from Evelyn Goo, who referenced the Executive Order which she said stipulates that the Banyan Tree Park area was to be used for public access. Ms. Goo stated that exclusive rights have been granted, other nonprofits have been excluded, and she referenced the letter sent to Councilmembers on May 13 of 2018. The Committee also received testimony on IEM-79 from Julia Renigado who gave a history of Lahaina Hawaiian Language Schools and importance of providing areas for local artisans to sell products. The Committee received testimony on IEM-79 from Margie MacPherson who stated that

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there should be streamlined management of the Banyan Tree Park, and that the procedure by which permits are granted, she stated she was concerned by what appears to be preferential treatment. The Committee received testimony again on IEM-79 from Sne Patel, current President of Lahaina Town Action Committee, LAC, who stated there's a fair process for being approved and denied permits. Mr. Patel answered clarifying questions of Councilmember Sugimura and Councilmember Atay, which centered around how the LAC grants and denies vendors access within the general permit granted to LAC. The Committee received remote testimony from the Hana District Office on IEM-38 from Claire Carroll, who stated, the State should give more TAT funds back to the County to help support facilities and spread education to our visitors. She also inquired about the working details of a possible sustainable tourism board. The Committee also received testimony on IEM-38 from Triston Rodrigues, who, despite holding a permit to operate ocean activities and being an ocean guide, was not aware of the educational opportunities referenced by Ms. Paulson. He stated there should be a better way to make educational opportunities known that may be available to those in the industry, and that those educational opportunities should maybe even be mandatory to help the future generations and tourists. The Committee received testimony on IEM-38 from Adi Ell-Ad, who said he does his part to try and educate visitors. He said he will like a video produced about important cultural items to be used throughout the tourism industry. We also received testimony on IEM-38 from Barbara Barry, who stated she is in support of requiring the Maui County Visitors Association and Hawaii Visitors Bureau to incorporate specific environmental actions and objectives. Ms. Barry said she suppose...she supported funds being allocated to determine a visitor maximum density to maintain safe and environmentally sound during high season and hurricane season for residents, first responders, and visitors. We also have testimony on IEM-38 from Autumn Ness, who stated she is in support of the resolution and proud of the organizations for trying to change the conversation about the direction of tourism but does not believe it is enough. Ms. Ness took the resolution to various tourism businesses in South and West Maui and everyone she spoke to believes that we need to do better, and all were not informed about the training programs that existed. The Committee got testimony on IEM-38 from Zandra Crouse, who thanked the Committee and the Council for bringing this issue forward and stated she is in support of the resolution on educating our tourists. Ms. Crouse also testified on IEM-79 and continued to read a letter submitted by Ms. Johnson. She stated rules for the Banyan Tree Park, Banyan Tree, should be equitable. Lastly, the Committee received testimony on IEM-38 from Dick Mayer, who stated as he is, stated he is in support of the resolution but believes it should go even further. He said he would like for an entity to prepare annual reports on the impacts of the tourism industry and wants to see an increase in property taxes by hotels. Mr. Mayer stated there should also be research into providing transportation to car rental locations for tourists in Wailea and Kaanapali, which he stated could lessen environmental impacts and offer an opportunity for County revenue. And would, I have the two attending Councilmembers, Mr. Atay, and Sugimura. Did you have anything to add to the report? Ms. Sugimura? Mr. Atay?

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COUNCILMEMBER ATAY: No, thank you, Chair. That was quite thorough.

CHAIR COCHRAN: Okay. Alright, very good. Well, with that then, Members, we shall now proceed with public testimony. So, please sign up at the desk out front and you'll be give...and please stick to the items on the agenda. You'll be given three minutes to testify, and is Ms. Leslee, you're going to call the first testifier? Okay.

MS. MATTHEWS: Yes, Chair, we have Joseph Blackburn, testifying on IEM-56, to be followed by Mr. Sne Patel.

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

MR. BLACKBURN: Good afternoon, Council Chair and Members. Joe Blackburn, I'm the managing agent for Waikapu Gardens, and I'm testifying on IEM-56. We went before full Council and there was a lot of discussion and good questions. The bottom line is, we have now applied for road dedication by sending in a letter to Public Works. So, to try to take our roads from being private to public, and for the board, it's a numbers game. I'm doing the budget right now for 2019, and my 2018 budget is being shredded because our refuse cost went up about \$2,200. It would still be a little bit below what we would pay with County of Maui. But the Board's feeling is that the County of Maui increases are going to be less than private increases in the future. And with the private side, we never know what's going to happen. And usually there's only two companies and they kind of bid against each other. And then, once they get you, your service cost will increase based upon nuances within the contract and landfill increases. So, at this point, the Board is very concerned. We also have Waikapu Gardens II, which has private service. And really, they're paying quite a bit more than Waikapu Gardens I. They're paying almost \$50 a month for one pick up a week. And that's what the Board's kind of looking at is, you know, when is Waikapu Gardens I going to be moved into that particular price scale. So, truly as an affordable subdivision, we don't want to raise dues. Our dues are already at a \$110 a month because we are private and provide a lot of the services the County would provide. So, we're asking for this one service for our owners. And I apologize to the Board, for the Board of Waikapu Gardens and the owners they're all working today. So, they sent me instead. Thank you.

CHAIR COCHRAN: Thank you. Members, any need for clarification of our testifier?  
Ms. Sugimura --

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR COCHRAN: --and then Mr. Atay.

COUNCILMEMBER SUGIMURA: Thank you. So, hi, nice seeing you, Joe. So, basically,

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you're saying the reason why Waikapu Gardens wants to convert to County services is because the increase in their cost?

MR. BLACKBURN: Yes. Yes, right now, and the Legislative Analyst did a great job of coming back to me and saying, hey Joe, you're paying about 200 less right now with private service. But we don't trust it. And our Waikapu Gardens II owners are actually paying on their own, and they're paying quite a bit more than we're paying for the contract for Waikapu Gardens I. So, we're anticipating that sooner or later, what II is paying, I is going to be charged.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR COCHRAN: Okay. Mr. Atay, you had clarifying questions?

COUNCILMEMBER ATAY: Yeah, thank you, Chair. I just need clarification. So, Waikapu Gardens I, how many homes is that?

MR. BLACKBURN: Four hundred and eleven.

COUNCILMEMBER ATAY: Four hundred eleven, and then, Waikapu Gardens II?

MR. BLACKBURN: Fifty-six, and as always, we hear from the developer, Waikapu Gardens II roads are going to be dedicated. Of course, it's a year, they've left the island, and the roads are not dedicated.

COUNCILMEMBER ATAY: Okay. Okay. So, then, clarification here, Chair?

CHAIR COCHRAN: Yes.

COUNCILMEMBER ATAY: So, then, what you're saying, recommending, is that what you're paying no to private entities, the potential that 467 new County of Maui customers paying the County of Maui for trash refuse pickup would transition back over to us?

MR. BLACKBURN: Correct, and one of the caveats we'd like to put out there is, instead of billing 460, or 457, 358 units would be that you'd only send one bill to the association, and the association would pay for the owners.

COUNCILMEMBER ATAY: Okay. Thank you.

CHAIR COCHRAN: Thank you, Mr. Atay. Anyone else had clarifying questions? Seeing none, Mr. Blackburn, thank you very much.

MR. BLACKBURN: Thank you, Council and Chair.

MS. MATTHEWS: Next, we'll have Mr. Sne Patel, on IEM-79, followed by Bill Smith.

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MR. PATEL: Thank you, my name is Sne Patel, from Lahaina Town Action Committee. Thank you, Chair, thank you, Councilmembers, for being here and hearing this out on the issue of the Banyan Tree Park and the use of it. The recap, you know, I did say there was a, there's a fair process already. And I guess, you know, this really just comes down to the fact that some people feel left out of being able to be under the Banyan Tree to have events under there. And I can see that, and so, the Lahaina Town Action Committee, the Lahaina Arts Society, and also the He U'i, Aunty Patty, we met with Theo Morrison, Lahaina Restoration Foundation Director, and we believe we've come up with a fair process amongst ourselves that will allow the inclusion of other people to come in, other organizations, as long as they're nonprofit and they fit the criteria, right? There's a certain set of criteria that needs to be met, as I had talked about last time. And as long as that's done, I don't foresee why we couldn't all come together and figure out the dates. Obviously, you can't have a Prince Kuhio Festival that's not around that time. So, I mean, we have to have certain dates that are already set in place for some of these festivals that have been going on for, you know, decades. So, yeah, I just wanted to clarify that I believe that going forward we can move forward in something that's fair and is going to also protect the historical and cultural, you know, entity, or making sure we respect that under the Banyan Tree. That's pretty much it, yeah.

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

MR. PATEL: Thank you.

MS. MATTHEWS: Next, we'll have Mr. Bill Smith, on IEM-79, followed by Autumn Ness.

MR. SMITH: Thank you, Madam Chairperson and Councilmembers. My name is Bill Smith. I am the Executive Director of the Lahaina Arts Society and I actually agree completely with what Mr. Patel just said. We're wholeheartedly in support of the plan that I believe you've seen that's been submitted by the Lahaina Restoration Foundation. The, and that plan creates a comprehensive jurying and orientation procedures for all artists wanting to be under the tree. And importantly, it implements a two-tiered enforcement system to make certain that all organizations and participants adhere to the rules. The plan is open now, as Mr. Patel said, it's fair for everyone. It not only follows the CRC regulations for festivals in the park, interestingly it also follows the 1995 Old Lahaina Taskforce Report which specifically recommended that the Lahaina Restoration Foundation manage Banyan Tree Park, as well as the Courthouse. As you know, the Courthouse and the park are, you know, has a symbiotic relationship with, you know, the entire community and, you know, they both flow together. And if you read the plan, it's extremely comprehensive and thorough. And my hat goes off to Director Morrison for the time and the effort that has gone into this. If you look back 23 years ago to 1995, then Chairperson, now Director Morrison actually authored and wrote the final report for Restoration on that task force report. So, we have a wealth of

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experience that's being brought to bear. And who better to manage it and handle the, you know, the Banyan Tree festivals. And we are in favor. So, thank you.

CHAIR COCHRAN: Thank you very much for your testimony. Members, any need for clarification? Seeing none, then thank you for your time.

MS. MATTHEWS: Next we have Ms. Autumn Ness, on IEM-38, followed by Ms. Evelyn Goo.

MS. NESS: Aloha, Committee. My name is Autumn Ness. I'm speaking on IEM-38 basically I guess to talk about the testimony that was submitted by the Visitors Bureau and the Hotel and Lodging Association last meeting that the resolution is unnecessary because they're already doing the stuff that's in that. And I want to kind of, I guess, illustrate the gap between what is being talked about, and the language they're using in the organizations which is good, and what is actually happening in practice, which is not very much. First of all, the fact that nobody knows about the training that they do have at UHMC is a huge thing. We have been trying to talk with the two organizations for months now and they kept pointing us to the Global Tourism Summit. The asked actually Member Cochran to go and she had Committee work that day, so she sent me in her place. And when I looked at the agenda of the Global Tourism Summit, I was actually really hopeful there was a, there were three different avenues, Global Tourism Trends, Sustainable Tourism Trends, and Cultural Tourism Trends. So, I went all stoked to hear what they were talking about and I came back really, really disappointed. I mean, I'll tell you a few reasons why. First of all, when I checked in they were handing out reef friendly sunscreen by Coral Isles and it is not reef safe at all. It's full of chemicals, and if you have been following the sunscreen conversation over the last few years, you would know that this is not the goal. And they were handing this out to the people at the tourism summit. Meanwhile, you have people from our own Visitors Bureau that are here telling us that they're working on better sunscreen education campaigns. But that's not what I'm seeing at all. Also, it's a Colorado-based company. We have so many Hawaii-based sunscreen companies that are making really, really good sunscreens that they didn't highlight. And when I e-mailed them afterwards, and expressed my disappointment, I was told that that's because they sponsored the Tourism Summit. So, they bought their ability to give out these products at their Tourism Summit. So, there's that. Next, I went to the panel about short-term rentals, and about how short-term rentals are changing the face of tourism and our neighborhoods, thinking that there was going to be this conversation about how to better regulate short-term rentals. When I arrived, I found out that the panelists were representatives from Airbnb and Expedia. And it was a 25-ish minute infomercial about why short-term rentals are such an integral part of our visitor's economy that we can't really touch them, and I was really upset. And at the very, very end, I started talking about we need to be better regulators for these guys and it just wasn't, there wasn't room for that question in that entire conversation. The last panel was about communities that are doing better. For example, Vail, Colorado is, their entire town, their entire community is a sustainable, certified sustainable destination and that only took them five years. Every single tour operator in their town is a



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sustainable destination. And that only happened because their visitor's bureau, I'm sorry, I could go on longer, but if you want to know why, you can ask me.

CHAIR COCHRAN: Okay. Thank you very much. Members, any need for clarification?

COUNCILMEMBER ATAY: Chair, if I may?

CHAIR COCHRAN: Mr. Atay, yes?

COUNCILMEMBER ATAY: I'd like you for, to finish that final thought.

MS. NESS: Okay. Great, thank you very much. It only, that happened because their visitor's bureau, and I quote, put \$2 million into the community to lead their operations and they made it their own charge to take people in the visitor's industry and get them trained. It took them five years. So, that's huge. That's what happens when the bureau is not just a marketer, but I kept hearing this word, this phrase in my mind, leadership in implementation. It wasn't just talk. Somebody did it, they were leadership, leaders in implementation. And what happened at this Tourism Summit was not any of that. It was just a lot of talk that missed the point completely. Thank you.

CHAIR COCHRAN: Thank you. Anyone else have need for clarification of the testifier? Seeing none, thank you, Ms. Ness.

MS. MATTHEWS: Next, we have Ms. Evelyn Goo, on IEM-79, followed by Alicia Sullivan.

MS. GOO: Aloha, thank you for allowing us to come here today and hear our testimony. Although I do applaud the testimony that I have just been notified of, I don't hold much, I don't even know what word to use, I would just rather see the process be, a committee be formed and an investigation to be put underway for the Banyan Tree and the goings on under it. I am here to reiterate no exclusive rights public uses, which is stipulated and has been stipulated for the entire 30 years that everyone has been under the tree. And I would also like to let all of you know that after we submitted our letter of appeal to the Departments of Park and Recreation, no, we heard no further communication from them, whatsoever. Instead, we got word from other sources that the Parks Department had contacted Theo Morrison at the Lahaina Restoration Foundation and asked her to put in for a ten-year lease for the Banyan Tree which she did. This information was confirmed by Theo herself in a conversation with Joanne Weiner. The Parks Department then submitted a 42-page document to BLNR on Oahu, taking this meeting off of Maui and it stipulated a few things. One of the things were that you had to be at this meeting to actually be able to testify. So, no one from Maui could go to this meeting and testify on this lease that was being granted. Also, it was stipulated in the document that only the groups that were currently under the tree be allowed to stay under the tree and no one else. Being given that this is public use, I fail to see things, you know, here and also being given

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from past behavior, from past slander on Joanne and myself in the community, I don't have much confidence in moving forward under the way that things were just testified to. I myself would feel more comfortable again if this body would take it into Committee and do what you need to do. Do a full investigation, do audits. These people receive tons of money, grants, Federal funding and they are, they have exclusive rights to the most coveted place on the island. It doesn't seem to balance out to me. you guys. I mean, come on, let's get real here. I mean, in my testimony I've submitted to you, I have posed quite a few questions for you to ponder. And I would like if you each would take the time to ponder those questions and really think about them yourself. Is this really a fair process? My time is up so I'm going to leave it there. If you have any questions I'd be happy to answer.

CHAIR COCHRAN: Thank you, Ms. Goo.

MS. GOO: Thank you.

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

MS. GOO: Thank you.

CHAIR COCHRAN: And we have your written.

MS. GOO: Thank you.

CHAIR COCHRAN: Let me check in with our, or wait, sorry, you had, you called the next testifier? Yeah, and then we'll check in. No, go ahead, sorry.

MS. MATTHEWS: Next, we'll have Alicia Sullivan on IEM-79.

MS. SULLIVAN: Hi, my name's Alicia Sullivan. I'm a local crafter here on Maui. I've worked Evelyn's shows, I've worked other people's shows. I don't do the Lahaina Art Society shows because I can't afford to pay their annual fee. I can't afford to pay their 27 or 28 percent cut from what I sell under the Banyan Tree. I haven't bothered to apply with them based on their fees, their, just their fees. Twenty-eight percent of my cut is, it's just undoable, it's ridiculous. I'm happy to pay a space fee where I do everywhere else with every other promoter like Evelyn, but don't take 28 percent of my money. Aside from that, the Banyan Tree, I'm not sure why no one else has been using the Banyan Tree for all of these years. I never questioned it until Evelyn brought it to my attention a couple years ago that, you know, hey, why isn't anybody else getting to use the Banyan Tree. It is public space if I understand it correctly, and it should be, you know, when we used to do shows at the Civic Center in Lahaina for instance, it was a lottery. You go up and once a year someone from the County says, okay, you get this day, you get this day, you get this day, you get this day. And then, your dates were set for the year. I'm not sure why that can't happen under the Banyan Tree. It was a

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pretty simple process. I've not understood that yet. I'm not sure why this whole process is taking as long as it is either. As far as I know, Evelyn has all her permits in order, which at the first meeting last year, you know, that was the requirement, get your permits in order and we'll try and get you some dates. It was also discussed last year that perhaps we could have some other dates. When this was originally setup, it was set for I believe three, the Banyan Tree could be used three of every four weeks on the weekends. Maybe we could extend those, maybe have some boat days on a Tuesday or a Wednesday every now and then, too. That's, you know, asking a little bit extra there. But it would give other vendors who don't belong to the Lahaina Arts Society and other promoters like Evelyn the opportunity to, you know, get a chance to use a really prime location for local artists to take their stuff out. We're just trying to make a living and that's it. It should be a, it should be simpler. It should be easier, you know. The Civic Center was fairly simple. It works the same way in Kihei, and it just shouldn't be this hard. And that's it, thanks.

CHAIR COCHRAN: Thank you for your testimony. Members, any need for clarification? Seeing none, thank you for your time. Oh, let me check in with over in Hana. Ms. Lono, do you have any testifiers?

MS. LONO: Good afternoon, Chair. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

CHAIR COCHRAN: Thank you, Ms. Lono. Over on Lanai, Ms. Fernandez, do you have any testifiers?

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR COCHRAN: Thank you, Ms. Fernandez. Over on Molokai, Ms. Alcon, do you have any testifiers?

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

CHAIR COCHRAN: Thank you, ladies. Please notify us if you do get testifiers, and we'll come back to the Chambers.

MS. MATTHEWS: And our final testifier today is Albert Perez, on IEM-38.

MR. PEREZ: Aloha, Chair Cochran, Councilmembers, good morning, good afternoon. It's morning somewhere. I'm Albert Perez, and I'm here to testify on IEM-38. This is a resolution urging the Office of Economic Development to require the Maui County Visitor Association to incorporate specific environmental action items into the grant objectives. So, we think this is a good idea. We're in support of the proposed resolution although we don't feel that it addresses the root of the problem, which is

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continued promotion of more visitors, apparently with no limit. Nevertheless, the incorporation of environmental action items into these grant objectives will help to mitigate some of the effects of what has lately come to be called over-tourism. People depend on tourism jobs, so we do not support a decrease from the current level of tourism, even though the signs are all around us that we may have already surpassed our carrying capacity for visitors. But we all know that tourism is a cyclical business and travel is one of the first things that people cut back on during a recession. When this happens, people lose jobs. So, even though diversification is difficult, we need to continue to look for alternatives to tourism, instead of increasing our reliance on it year after year. The word is already getting out. In fact, it already has gotten out that Maui is crowded. Visitor numbers continue to increase but real spending has dropped, and this is because we're getting a different kind of visitor. So, what our residents are feeling is the increased, continued increase in tourism impacts, and less of us are feeling that the benefits outweigh the impacts. Nevertheless, the Maui County Tourism Industry's Strategic Plan still calls for increased capacity to accommodate more visitors and trying to attract more international visitors. This is the wrong direction. So, it's the wrong solution, continue to increase beyond what...the attractions here are, our beautiful beaches are getting crowded, the reefs are dying, there's wastewater, people are swimming in wastewater. Our reefs, if we continue to increase the capacity, our reefs will still be impacted, and our beaches will become more crowded. As was originally promised when we started this visitor industry, we need to focus on more quality and lower numbers. So, in summary, we do support this resolution, but we ask that less of our County budget be spent on tourism promotion, and more on mitigating the impacts on the environment and on local residents so that the visitors who do come here will have a better experience. Mahalo.

CHAIR COCHRAN: Thank you, Mr. Perez. Members, any need for clarification of our testifier? Seeing none, thank you for your time today. Is that our last testifier? Anyone else in the gallery wishing to testify? You may sign up at the front or just come on down. But I see no one approaching. So, Members, without objections, I shall now close public testimony.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

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

CHAIR COCHRAN: Thank you.

**IEM-56 REFUSE SERVICE FOR WAIKAPU GARDENS (CC 18-13)**

CHAIR COCHRAN: And let's do our first item. It is IEM-56. This is Refuse Service for Waikapu Gardens. And, Members, the Committee is in receipt of County

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Communication 18-13, from Council Chair Mike White, relating to Refuse Service for Waikapu Gardens. Sorry, girls, the phone. And, Members, the Committee last discussed this item prior to the Budget Session on March 12, 2018. To provide background, Waikapu Gardens Subdivision is currently serviced by a private refuse collection company, Maui Disposal. Additionally, the roadways in this subdivision are private, and are not intended to be dedicated to the County, nor are they built to adhere to County standards. And because of the development of substandard roads with no intention of dedication, residents have not been able to receive County services. Public Works has indicated that the roads never received initial inspection, and that it would be extremely difficult to inspect the underlying infrastructure at this point. Corporation Counsel has indicated that the Maui County Code does not directly prohibit or permit the collection of trash on private roads. But the Department of Environmental Management's Administrative Rules state the Department shall not serve real property where private collection service is provided and the Department has been notified. And the Department of Environmental Management has indicated that aside from Waikapu Gardens Phase II, there are somewhere around 5,000 other accounts on private roads which would be interested in receiving County services if the County Code would be amended to explicitly allow for this type of collection. And the Committee is in receipt of correspondence from the Department which indicates that the total monthly cost of trash collection per account, per month for County services would be approximately \$42. And each account is currently charged \$32 per month. However, new accounts are costlier. The Department estimates that servicing around 400 accounts would amount to around \$201,500 per year, yeah, per year which, with higher initial capital expenses for equipment. And the Department also indicated that route analysis, capacity study, and UPW union negotiations on rerouting and expansion take place for new routes which results in an approximate two-year lead time before services commence. So, Members, with that, I'd like to ask Department of Environmental Management and Corporation Counsel if they have any comments at this time. And it looks like we also have Director Goode here too, from Public Works. So, Mr. Miyamoto?

MR. MIYAMOTO: Thank you, Madam Chair, and I think you've stated the facts as represented in our correspondence and it was good to hear from Mr. Blackburn that they have submitted an application to get the roadways dedicated. I know we'll be part of that review process as because there are sewer lines in those roadways. Thank you, Madam Chair.

CHAIR COCHRAN: Okay. Ms. Thomson?

MS. THOMSON: Thank you, Madam Chair. And I don't have anything to add at this time but available for questions. Thank you.

CHAIR COCHRAN: Thank you, Ms. Thomson. And, Members, I would like to designate Mr. Joseph Blackburn as a resource person pursuant to Rule 18A, Rules of the

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Council, as he is the Managing Agent for the Waikapu Gardens Homeowners Association. So, at this time, any objections to that?

COUNCILMEMBERS: No objections.

CHAIR COCHRAN: Okay. Thank you very much, Members. And, Mr. Blackburn, if you would like to offer further comments and background information that relates to the trash collection in this Waikapu subdivision?

MR. BLACKBURN: Very quickly, this subdivision was one of the few subdivisions on Maui that actually had a large percentage of affordable homes, very little County involvement. And so, when we start looking at what is our plan for affordable housing, the plan was already produced. It was produced by Jesse Spencer, and the ability to do it by that particular developer was paramount to getting these people in. And time when you're a developer is everything. So, there was a, I guess a falling out between the Administration and the developer and that led to the private road situation. Now, the homeowners are basically holding the bag for what was a situation where we didn't get cooperation. And, you know, neither side is to blame. It was just the fact that there was no common ground. So, at this point, we're asking that there be one common ground for this very just central place of homes for our people in the community. And at the end of the day, I just think it's fair that we get at least one service for the amount of taxes we provide.

CHAIR COCHRAN: Thank you, Mr. Blackburn. Members, any questions of our representative or our departments at this time? Nothing? So, Mr. Blackburn, I'm looking at a testimony for Maui Disposal, who I think is your current carrier?

MR. BLACKBURN: Yes.

CHAIR COCHRAN: Your service? And so, they bring up some points as to the cost, which it looks like \$40.51 per home. And our current County charge is 32. But in my opening comments, Department has shared that, you know, just to get up and running to take on another route would add that much, cost that much more for Department to get to that point. But they, your Maui Disposal does an extra, it looks like a bin, community maintenance bin, six-cubic-yard bin that's collected weekly which I believe our County does not provide that added service.

MR. BLACKBURN: Correct.

CHAIR COCHRAN: So, is that, you folks are willing to forego this extra bin that's given to you --

MR. BLACKBURN: Absolutely.

CHAIR COCHRAN: --for part of your pay?

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MR. BLACKBURN: Absolutely.

CHAIR COCHRAN: Okay. I mean, I thought that seemed like a nice touch for your community. And so, okay, well, you know, I know you've been working on this for a long time and we just need to continue the discussion on this.

MR. BLACKBURN: Okay. And if anybody wants an old reservoir we have one. Thank you.

CHAIR COCHRAN: Alright, thank you for your time, Mr. Blackburn. And so, Mr. Miyamoto, that bin, do we provide that type of service anywhere? I guess this community, I never, what are they calling it, something that, six cubic yard community maintenance bin collected weekly in this subdivision. Does the County provide such service?

MR. MIYAMOTO: Madam Chair, no we don't. We don't even provide that same type of service for our Parks Department. They contract out their own refuse and green waste services.

CHAIR COCHRAN: Okay. Alright, well, very good. So, Members, there's no actual legislation here or anything. I know we've been here before discussing this, especially during the Budget cycle and it's been asked of that community for quite a while now. But also, we brought up the point that there is 5,000 other accounts Countywide that would like to have this service. And I believe this past Budget I tried to propose an additional fee of sorts for these other private roads and what have you. But it didn't really go anywhere, and I wanted to get the true cost of our Department to provide such services that's not quite allowed in the Code currently. But if the people are willing to pay that cost in order to have the services, then maybe we could work something out. But maybe the next Council can continue to work on that, Mr. Blackburn. Sorry, I don't have a quick fix here for you, as you know. But thank you for your diligence in pursuing this and making sure that it's being discussed here at the Council level to pursue. So, Members, with that I will, let's see, and I guess at this time I'm going to just defer this and probably it'll carry through to the next Councilperson. So, Members, without objections I'll just have this deferred.

**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Absent: MW)

**ACTION: DEFER**

CHAIR COCHRAN: Okay. Thank you.

**IEM-79 PERMITTED USE, OVERUSE AND MANAGEMENT OF THE BANYAN TREE  
PARK IN THE LAHAINA HISTORIC DISTRICT (CC 18-224)**

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CHAIR COCHRAN: And IEM-79 is Permitted Use, Overuse and Management of the Banyan Tree Park in the Lahaina Historic District. Thank you, Mr. Miyamoto. And the Committee is in receipt of County Communication 18-224, from me, relating to the review of the Lahaina Banyan Tree Permitted Use, Overuse and Management. And it is my intention to discuss this item in Committee, given the need to protect and ensure the sustainability of this environmental feature. And before we discuss this item, I would like to recognize our resource person, Theo Morrison, from the Lahaina Restoration Foundation. And so, Members, without objection, if I can designate Ms. Morrison as a resource person.

COUNCILMEMBERS: No objections.

CHAIR COCHRAN: Okay. Thank you so much. And that would be in pursuant to Rule 18A, Rules of the Council, and also based on her unique expertise as Executive Director of Lahaina Restoration Foundation, which oversees the Banyan Tree Park in Lahaina as part of the Historic District. So, thank you, Ms. Morrison, for being here with us. And I'd like to give the departments a opportunity to provide comments on the item. And we have Ms. Morrison here too, to chime in and be for questions. Aloha.

MS. ALMEIDA: Hi, good afternoon. My name is Lisa Almeida, and I'm the Park Permits Officer with the Department of Parks and Recreation. I just wanted to share a little bit of our perspective just in regards to permits, not so much any kind of proposed lease. Regarding this area, it came to our attention in January of 2018 earlier this year at a Cultural Resources Commission meeting, some of the concerns about what is going on at Banyan Tree Park. And many, many of our facilities have permitted use. But the primary use is always park with occasional special events or other activities that parks are intended for, for public benefit. What came to our attention in January was that at this park, it's becoming more of a commercial for-profit type of operation. And while we do understand that there are nonprofits that are benefitting from that, it's becoming more than normal use than the exceptional limited use. And so, there were some concerns on our part after hearing all of the different testimony. So, we put a hold on any additional approvals until there was further clarification on the best way to proceed, also knowing that there was a proposed lease in process.

CHAIR COCHRAN: Okay. Thank you, Ms. Almeida. And we also have Ms. Teshima here too. Ms. Morrison, did you have some comments at this time?

MS. MORRISON: Sure.

CHAIR COCHRAN: Alright.

MS. MORRISON: I'm with Lahaina Restoration Foundation, as Spence said. We, we've been in Lahaina for 56 years. We've also been cleaning the parks and public spaces with County funds for 38 years. We proposed a, getting a lease. We applied for a lease



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almost three years ago, or more than actually three years ago. It had nothing to do with this current controversy because we, our scope is not just the buildings and properties that we own. But we're interested in the whole Historic District, making the whole Historic District cultural, beautiful, and a great place to be. So, that's why we proposed this lease with the County of Maui. In regards specifically to this lease, I'll just keep going here, what we are proposing is that it needs, and I should say we've had a lot of experience. We do manage the Old Lahaina Courthouse and I personally have had a lot of experience with the Banyan Tree Park and the events that are held there. What we're proposing is another level of management in regards to the use of Banyan Tree Park. And I'd also like to emphasize that Lahaina Restoration Foundation is not at all going to get paid for any of this work. This is part of what we do. We have other sources of funding. We do not need to make, nor do we want to make money from festivals in Banyan Tree Park. We would like to see them done culturally, correctly, authentically, and that is our entire purpose here. So, as far as the public benefit goes, we are a 501(c)(3). And then, the way this would work, and I also want to emphasize in our rules that which are on the County website, and I believe you have them, one of our rules under the management, this would be the nonprofit organizations that manage the festivals, they are open to all approved 501(c) nonprofit organizations. Everyone, every nonprofit 501(c) is allowed to host festivals under the Banyan Tree per, you know, with, if we got this lease. The other change is right now the Banyan Tree, although we clean the Banyan Tree with County funds every day, it's a very well-used park. Currently, the festivals under the Banyan Tree pay the Parks Department \$150 per day. We're going to change that so that fee is going to raise to \$500 per day. One hundred percent of that money is going to go into the park. The park is just desperately in need of capital improvement projects. We have been putting in new benches. We get private sponsors and we put in I think six or so new benches. We also just finished a grant with the County Parks Department on Friday that was an improvement project to the park. And if you go by, you'll notice it's much improved at the entrance and all that, many of the paths that were trip hazards have been improved. That's our focus, I just want to make really clear about that. Our focus is the beautification and the safety and the cultural appropriateness of events in public spaces in the Lahaina Historic District. Any questions?

CHAIR COCHRAN: Thank you very much, Ms. Morrison. And, Members, any comments, questions for our, about the Banyan Tree Park and uses? Ms. Sugimura and Mr. Atay?

COUNCILMEMBER SUGIMURA: Thank you. So, I love seeing Theo here because everything, the years that I've worked with you, things that you do, you really do it for Lahaina Town, the history and the culture, and you live that passion. So, when you said this is going to be another level of management, that's what you meant about...

MS. MORRISON: Well, okay, correct. So, the way it works right now is there's three different nonprofits that are running the festivals. And then, there's a set of, there's rules that were set, I have some from the year 2000 DLNR, Arborist Committee and CRC. They

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haven't really been enforced. So, what needs to happen is a level of management above the current nonprofit. So, that'll be us. And the way we're going to be able to enforce this is the penalty for not adhering to the current rules is if you're a nonprofit organizing the festivals and you don't follow the rules, you will not be allowed to do further festivals that year and the whole entire next year. If you're an individual that is blatantly not following the rules like for example, selling items from another country, you will be not allowed to participate in that event. That is the main deterrent to getting people to follow the rules. So, our level of management, and I don't expect, at the beginning it's, yeah, it'll take some effort and time on our part. But I do expect everybody to begin to see that we're serious and they'll toe the line. That's my hope, that's my, I'm pretty sure that that, and I've gotten that support from the three groups that are working there now. And like I said, this Banyan Tree venue will be open to other 501(c) nonprofits. However, the days are limited. We are reducing the number of days that festivals can happen. Right now, I mean before like last year there was like 94 days. We would be reducing that to 72. No more holidays and only three weekends out of a month.

COUNCILMEMBER SUGIMURA: Yeah, so one last question. So, of the, when you talk about the three nonprofits right, you're talking about LAC, the Arts Society, who are the three?

MS. MORRISON: There's the Arts Society, Lahaina Town Action Committee, and the He U'i Cultural Arts Festival.

COUNCILMEMBER SUGIMURA: He U'i, Auntie Patty?

MS. MORRISON: Yes.

COUNCILMEMBER SUGIMURA: So, they're going to get first cracks at using the, or is everybody going to come in and have to apply evenly and then you'll see where there's pukas that you can fill in everybody or how would this...

MS. MORRISON: Yeah, correct. It...no, correct, we're starting all over again. Right now, there are no festivals in the park. So, we're going to start all over with a clean slate. They'll have to apply as a nonprofit to be able to get a festival there and then we will, it'll be an open advertised process. They can all apply, they can all see the rules. The other thing that will happen, every single artist will have to be juried. So, we as the parks administrator, we will have a committee that will jury the work, meaning we're looking to make sure that the artist is actually producing the work themselves. That's been a huge problem. This is not a swap meet. And I do want to emphasize Lahaina has a lot of more rules than anybody else. Anybody who has a business in that town knows that and this is important for Lahaina. That's why Lahaina is able to maintain the Historic District. We have rules and we need to enforce them and follow them.

COUNCILMEMBER SUGIMURA: So, one last question, Chair, if I could? So, I know that you

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have to apply and go through a CRC, Cultural Resources Commission process. So, that will still be maintained through your process?

MS. MORRISON: The CRC, that's a good question, the CRC in the past has approved the calendar events. So, I assume that that would still happen. I don't know.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR COCHRAN: Thank you. Mr. Atay, you had some questions?

COUNCILMEMBER ATAY: Thank you, Chair. I'm just trying to think here. So, thank you for being here.

MS. MORRISON: Sure.

COUNCILMEMBER ATAY: From a Hawaiian historical perspective, and from a Hawaiian cultural perspective, what is the importance of this location?

MS. MORRISON: Okay. This was part of the taro patch prior to the Banyan Tree being planted there and it was also part of the fort, the Lahaina Fort.

COUNCILMEMBER ATAY: So, the taro patch of the King or...

MS. MORRISON: I just heard the other day it was, I always thought it was the King's taro patch. But I just the other day it was Piilani --

COUNCILMEMBER ATAY: Piilani.

MS. MORRISON: --taro patch, yeah.

COUNCILMEMBER ATAY: Yeah, so that was Chief Piilani's taro patch.

MS. MORRISON: Yeah, yeah.

COUNCILMEMBER ATAY: So, it's not about the Banyan Tree.

MS. MORRISON: Right.

COUNCILMEMBER ATAY: Everybody refers it to the Banyan Tree Park. But the historical site, the cultural site of this location is way before the tree was planted, yeah?

MS. MORRISON: Correct, yes.

COUNCILMEMBER ATAY: But what I hear a lot of is more about selling art, you know, selling art pieces, getting juried. I am concerned that we be inclusive of the entire

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public and giving the public an equitable opportunity to participate in this location because from the marketing tourism side we know that that location is a very popular tourist location. And if that's a popular tourist location, if you're an artist, that's a prime location to sell your wares. Is that why everybody's coming here, jockeying for this? And with that, I am also aware that amongst the Native Hawaiian community, they're not happy to the point of, they want to go back to the Governor and ask them to rescind the executive order. The other part I have a question about is how, did it come in front of Parks Committee or Budget and Finance Committee that a ten-year lease is okay?

MS. MORRISON: We, it's still proposed. It hasn't gone anywhere.

CHAIR COCHRAN: Yeah. Oh, Ms. Thomson?

MS. THOMSON: Just to add quickly to that, the lease discussion, so, the ten-year lease has been proposed to BLNR and they have consented. And it will come to Council and go through the proper route for Council approval. So, that's a step to come.

COUNCILMEMBER ATAY: But wouldn't the process be the other way to come to home rule first, then go to State or then come back? That's just my thought, Chair. Thank you.

CHAIR COCHRAN: Ms. Thomson, so is that, I mean, what Mr. Atay is saying, that's not improper. But then, the route it's going also isn't, you know, illegal or improper, it can be done either way, is that...

MS. THOMSON: Correct, that's my understanding. It could be done either way or simultaneously. But it requires both entities' approval.

CHAIR COCHRAN: Okay. Sorry, did Parks have a comment? Ms. Almeida or Ms. Teshima?

MS. MORRISON: I have one more comment to Councilmember Atay's comment and that was that we will be requiring, if you read these rules, that if you do, do a nonprofit event under the Banyan Tree, that you are required to have Hawaiian, live Hawaiian or Polynesian music for both days of the event from 10:00 to 2:00, and you are required to have a cultural educational table teaching people for free cultural crafts or different art things. This has always been, you know, it's never been required. And we, although it is in the DLNR rules, this is an absolute requirement. This is the kind of thing that we as the festival administrator will ensure that it happens. No rock and roll.

CHAIR COCHRAN: Okay. And sorry, did, Ms. Teshima, did you have a comment?

MS. TESHIMA: Sorry, as far as the Board of Land and Natural Resources approval, it has been deferred and will be taken up at a later meeting. But we are requesting for them to take it up and put it on their agenda again. But it hasn't been approved yet, just to

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clarify that point. And once it's approved by the Board, it's, we're going to go in front of the Council and submit a resolution to be approved. And that's normally how it's done with Executive Order properties. We get the State approval first and subsequently we have the Council approval, and then we execute the agreement thereafter. Thank you.

CHAIR COCHRAN: Okay. And a question on BLNR, do they have, if the respective item has something to do with an island other than Oahu, do they ever come here to have it vetted so people that live here can actually go and, you know, be present for testimony rather than buy a plane ticket all the way over to another island?

MS. TESHIMA: I'm sorry, I'm not in, we're not in control of that. They schedule, the Chairman schedules their own meetings that primarily in Honolulu. But I understand they do go to different islands. But I'm not sure how they schedule that, and sorry.

CHAIR COCHRAN: Director Goode, are you on the, on BLNR? No? Okay. Alright, I mean, I just think, and so, I think, I have a question in reference to some of the testimony that was given and I know the three nonprofits, so, you need to be a, you need to be like a part of one of those respective nonprofits in order to even be under the tree, per se, and you pay a fee or membership due or something? And then, the reference about 28 percent of your take goes to the nonprofit or to LRF, or how does that work?

MS. MORRISON: We're starting with a brand-new slate. All the festivals under the Banyan Tree right now have been stopped by CRC. So, we're starting all over.

CHAIR COCHRAN: Okay.

MS. MORRISON: In my proposal, Lahaina Restoration would be the enforcer of all the events and taking absolutely no money. All festivals are open to any 501(c) nonprofit. They can set their own percentages. If they want to run a festival and let the artist make 100 percent, that's fine, that's not a problem. Although, they would still have to pay the \$500 per day to LRF who will use it, 100 percent, for the improvement of the park and will be turning in all the receipts so it's perfectly 100 percent transparent. All the nonprofit people doing the festivals will also have to do reports, they'll have to turn in financial statements. None of these things happened before. So, there'll just be a lot more transparency about the whole process.

CHAIR COCHRAN: Okay. And the, I'm reading a portion that says a lottery, it was mentioned, a lottery was mentioned. So, this is how the people will be chosen via this lottery and names in a hat or something? I'm...

MS. MORRISON: Well, they would have to, well, we could do it that way. We, yeah, we could do it that way. They'd have to be vetted first because they would have to be, we'd have to make sure they are a 501(c) nonprofit and they're all up to date on all their taxes and everything, so.

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CHAIR COCHRAN: Okay. No, I'm reading your draft. I'm trying to find it now, so it said the way the entities would be chosen would be this, in this manner. So, are you saying...I know it says draft. So, this, your rules and, you know, what...

MS. MORRISON: Yeah, well, that makes sense because they would, yeah, everybody gets to apply. So, but there are, as was brought up by Lahaina Town Action Committee, there are certain events such as the holiday lighting at the Banyan Tree, which you could not have in July. So, there are certain events which are tied to dates. So, those events would have to be given preference for their dates. But other than that, yeah, it would be distributed fairly with everybody who, all the nonprofits that applied by, that whatever the date was, and they would all be vetted to make sure that they are legit and they're up, you know, it'd be like that.

CHAIR COCHRAN: Okay. 'Cause I'm trying, I'm kind of feeling like currently those three nonprofits that are mentioned that kind of umbrella and then they have certain entities that come and have their booths and what have you. And so, in your item seven, artisan booth rules it says, artists can only be registered with no more than two nonprofit organizations at a time because I've heard that there's, you know, one artist that will sign up for all three I guess nonprofits, so they're there three weekends in a row. So, this is supposed to...

MS. MORRISON: That is correct. We're changing that --

CHAIR COCHRAN: Okay.

MS. MORRISON: --because what was happening was that there were individual artists who were making a tremendous amount of money because they were selling in the park, well it was three to four weekends plus the holidays and that's all over. That won't be happening. They can choose two of the nonprofits and it depends, there might be four or five or six nonprofits running festivals. They'll only be able to go with two.

CHAIR COCHRAN: Okay. So, basically maximum of two business-generating opportunities per month, is that...

MS. MORRISON: Per art, well...

CHAIR COCHRAN: Per art...

MS. MORRISON: No.

CHAIR COCHRAN: Per artist?

MS. MORRISON: There's, okay, there's three...

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

MS. MORRISON: There's three, we're proposing three weekends, Saturday, Sunday per month to be used for these festivals, 9:00 to 5:00 are the hours. The number of nonprofits who are, who could potentially apply to organize and run these festivals is unlimited. And that, but there'll be a certain period of time that they'll be able, applications will be open, they'll be able to apply. And if they're legit, they will be accepted. And then, at that point in time, the hour, I mean, the dates would be chosen through a lottery with, but I said with exception of things like, you know, like Kuhio Day has to be on Kuhio Day, things that are already, you know, established events have certain dates, so, with exception of that.

CHAIR COCHRAN: Okay.

MS. MORRISON: It's not going to be easy. But I think it's very doable. I've been involved with this for a long time. I think it's very doable and I feel like, you know, for the interest of everybody, it's going to work out.

CHAIR COCHRAN: Okay. And I just, and one second, Mr. Guzman, and so, for the Parks Department, are you folks feeling this is a good plan and something, is it going to help, you know, prevent the overuse and, you know, that nature of the utilization of our, the Banyan Tree Park area? Is this the draft that's being laid out right now by Ms. Morrison? Do you, comments I guess, about that.

MS. ALMEIDA: I think if it's the determination of this body that they want to move forward with this type of continued use in that area, then a lease of some type makes the most sense. Part of the reason that what Ms. Morrison has shared is occurring is because the nature of our permits are much more simple than what is happening at Banyan Tree Park right now. Our permits are designed for special events, not recurring business operations. So, really, there's some commercial enterprise going on down there, which would be much more like a concession, or something of that nature. And our permits are designed for a nonprofit to come in anywhere in Maui County, apply for a special event, and run it the way they see fit, paying the appropriate park fees. We establish what the rules are, which that area has specific rules, and we entrust that the applicant will follow the rules, or risk having their permits revoked or no longer be issued any permits. And we have ceased issuing permits for that area until this is resolved.

CHAIR COCHRAN: Okay. And you see the proposed uses or management of the area to be in line with the original executive order?

MS. ALMEIDA: The proposed lease?

CHAIR COCHRAN: Yeah, just the proposals that are being talked about here. It falls in line with the, you know, the original executive.

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MS. ALMEIDA: I think the executive order embodies that the character of use should be in line with culturally significant and historic activities. It wasn't further defined past that. But I will say it appears to be an active commercial use, and that's how we ended up here.

CHAIR COCHRAN: Okay. Thank you. And, Mr. Guzman, you had your light on?

VICE-CHAIR GUZMAN: Oh yes, well, first of all, I'd like to thank Ms. Morrison for being here. I know over the years that I've been in office they've, you've done an awesome job with the restoration and every --

MS. MORRISON: Thank you.

VICE-CHAIR GUZMAN: --project that I've seen in the past you've always handled it with great diligence and responsibility. So, I commend the organization as well. Moving forward on the executive order, on the executive order I know that when properties are placed under those, they have more conditions than regular properties that the County owns. Specifically, there is a percentage that if there is commercial activity on the executive ordered properties, percentages of those income or revenues go to the State. And so, if there's revenue or commercial activity going on, has that been spoken about or discussed with the State to continue on with such type of commercial activity? And in addition to that, if the wording is cultural historical purposes within the executive order, how do you now get past that exemption to have commercial activity? And then, again, like I said, that triggers a percentage of any income that comes in. And that's where it gets a little kind of grayish in the HRS is whether it's gross or, gross revenue or income based, capital gains revenue. So, I don't, I'm, it's real gray. So, it does, there is a percentage that goes to the State. And then, in addition to that, when you're, we're talking about how did we maintain this executive ordered property in the past, did we, on the Parks Department, did we maintain it after all these years, since the execution? Were we the ones that were cleaning and maintaining? what was the amount of monies that we had placed into maintaining the area? Or that was someone else's responsibility? Was there a lease prior to this? Obviously, there was, and so, was there...

CHAIR COCHRAN: Okay. Miss, it looks like, Ms. Teshima, you have a answer?

MS. TESHIMA: Okay. Currently, we do have a lease, and it's on a month-to-month basis. And in that lease, the difference between the proposed lease and the current month-to-month lease is that the current lease, the Parks Department is in charge of the management of the Banyan Tree Park.

VICE-CHAIR GUZMAN: Okay.

MS. TESHIMA: Whereas, in the proposed lease, the Lahaina Restoration Foundation is, will



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be in charge of the management. So, that's why the draft rules are, were prepared. So, and everybody had a chance to review it. So, and yeah, so, everybody is, you know, agrees to it. But we're trying to be really fair to everyone. And as far as the maintenance of the property, in, we do have a grant, as you folks know, for the maintenance of the Historic District, which Lahaina Restoration Foundation assists us with. And it just is, the funds are spread out for the whole historic district. So...

VICE-CHAIR GUZMAN: Okay. Okay. So, that will be part of that.

MS. TESHIMA: So yeah, that's the difference.

VICE-CHAIR GUZMAN: Okay.

MS. TESHIMA: So, she, she's saying that the fees will be primarily used for that park in addition to what they're doing currently. And I don't know if you passed, when we did the final inspection last week there was a lot of berries and, you know, stuff that needs to be done daily and to keep it really nice and safe for the public. So, that's what we all want to see, a really clean and safe park.

VICE-CHAIR GUZMAN: So, getting back to the original lease that you were saying it was a month to month, was that specifically to a particular entity, the month to month? And after the month it would expire, you would renew it again to the same entity?

MS. TESHIMA: Yeah, the month-to-month lease expired. And thereafter, it went to on a month-to-month basis and it was with Lahaina Restoration Foundation. However, in that one, at that time, the Executive Director did not want to manage the park for the County.

VICE-CHAIR GUZMAN: Okay.

MS. TESHIMA: But now, they're, they changed, and they are willing to help the County manage that area. And they're really, they're right across the street. They look at it, and so, they're really hands-on as far as management. And it's going to be a really good partnership that we have.

VICE-CHAIR GUZMAN: Very good, very good. One more question, just getting further into how this is going to be managed. So, when they collect the \$500 a day from, let's say, they rent, lease, a lessee, sublessees I guess, or the permittees, I guess that would be the permittees to do their festivals there, the \$500 would go where? Is that in a revolving fund that's earmarked specifically to the park? Or where is that going to be? Because we cannot be comingling it into their general fund, into the Lahaina Restoration General Fund. It needs to be segregated out, yeah?

MS. MORRISON: We have, at Lahaina Restoration we have separate funds. So, we could easily put it into a separate bank account.

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VICE-CHAIR GUZMAN: Yeah, those...

MS. MORRISON: Yeah, that's not, it's not a problem.

VICE-CHAIR GUZMAN: Okay. And then...

MS. MORRISON: And full accounting, you know, every quarter to the Parks Department.

VICE-CHAIR GUZMAN: Okay. Great, great.

MS. MORRISON: Yeah.

VICE-CHAIR GUZMAN: That's good. That's good to know as well. What...oh and in terms of, so, they will have exclusivity, Lahaina Restoration, on the entire parcel when it comes to this new lease? And the reason why I'm asking is that, we also have vendor permits that we passed about three years ago in our vendor ordinances. And those could be utilized as well in other properties. So, this, if I was a separate business or something, could I come into the Parks Department and request that vendor permit? Or will Lahaina Restoration have the full-on exclusivity of the property?

CHAIR COCHRAN: Is that Ms. Teshima, or Ms. Morrison?

MS. MORRISON: I don't think that applies in Lahaina. We don't allow vending in Lahaina.

VICE-CHAIR GUZMAN: Yeah, 'cause it's a historical district, yeah. But I was just seeing how the Department is handling the vendor permits, because it's always one of interest for Mr. Hokama and myself because we worked on that legislation. I'm always --

CHAIR COCHRAN: Yeah, Parks, do you have a comment?

VICE-CHAIR GUZMAN: --interested to know how that goes.

MS. ALMEIDA: So, for the vending permits as I know them, if they're through the Department of Finance, they're not applicable to the properties that we manage under the Parks Department. Most of our commercial permits are limited to five days.

VICE-CHAIR GUZMAN: That just told me a whole lot right there. Thank you.

CHAIR COCHRAN: Okay. Mr. Guzman, all done? Okay. Any other Members have comments? Yeah, Mr. Hokama?

COUNCILMEMBER HOKAMA: Chair, my concern is if we're having an individual events, what goes before the Planning Commission for SMA reviews? Or do you just get one blanket approval from the Planning Commission for SMA purposes?

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CHAIR COCHRAN: Is that Parks? Or we have Planning.

MS. ALMEIDA: I don't want to speak for Planning. But it's my understanding from the paperwork that I've seen come in the Planning Department is doing SMA evaluations based on individual event applications in the Historic District.

CHAIR COCHRAN: Do you want, Mr. Alueta's here from Planning. Do you want him down?

COUNCILMEMBER HOKAMA: Yeah, so again I'm just wondering, what would be in the proposed agreement? Because my understanding is they still need to go before Commission for SMA approvals of specific individual events.

CHAIR COCHRAN: Yeah, Mr. Alueta, can you join us, please? Maybe yeah back there is a desk. Thank you, Deputy Director Alueta. Did you hear Mr. Hokama's question?

MR. ALUETA: I believe right now they're handled either through, just through an SMA Minor Permit for the entire event.

MS. MORRISON: Or exemption.

MR. ALUETA: Or yeah, or they're granted exemptions. But we do an assessment, and it would mostly likely be applied, it would not necessarily be applied by Lahaina Town Action Committee.

COUNCILMEMBER HOKAMA: No, yeah, I mean, if they're not the event organizer they wouldn't be applied.

MR. ALUETA: If not, the event, yeah, it'd be the event organizer would apply for an assessment, and then we would determine whether it's a minor exempt or highly unlikely it would be a major, but.

COUNCILMEMBER HOKAMA: What is your dollar cutoff, now, for minor?

MR. ALUETA: I believe it was raised to 250.

COUNCILMEMBER HOKAMA: Two hundred fifty thousand?

MR. ALUETA: I think so, I have to double check.

COUNCILMEMBER HOKAMA: Okay. Okay. Well, Chair, you know, I'm going to look forward to that agreement because we place in the Code, concessions and what other things to help the Department move some revenue requirements forward. So, I'd be interested, but happy to hear Ms. Morrison's comments. So, I think they did the accounts right because I'm going to ask for an audit, complete audit --

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CHAIR COCHRAN: Yeah, yeah, very good.

COUNCILMEMBER HOKAMA: --of all the funds.

CHAIR COCHRAN: Yeah, okay, very good. Mr. Alueta, there was a question about the Cultural Resource Commissions, and their involvement, I guess, in any of these, the activities, the uses, and what have you. Do you know where, what the role is of our Cultural Resource Commission under the tree and uses? Oh, Annalise, or is that for her to come and answer?

MR. ALUETA: Yeah.

CHAIR COCHRAN: Okay. We've got musical chairs going on here. Aloha, just introduce yourself and...

MS. KEHLER: Hi, Annalise, I'm the Cultural Resources Planner in the Planning Department.

CHAIR COCHRAN: Thank you.

MS. KEHLER: So, where the Cultural Resources Commission comes in is under Title 19. There's a no selling or vending clause in the Historic District Ordinance on public property without Cultural Resources Commission approval. So, any activity that involves selling, or making money must be approved by the Cultural Resources Commission, before the Parks Department issues the permit. So, we usually do that on an annual basis. We look at the calendar that the Parks Department has given us, and then, the Commission will approve it.

CHAIR COCHRAN: Okay. So, I guess would this be the calendar via Ms. Morrison, should she set that, you know, the uses under the tree, would that be, or does that go to Parks, then Parks will forward it to you? Or how would this play out? Is that, oh, that's Ms. Thomson?

MS. THOMSON: I'll take a stab at that. That's a very good question. And I think that we're going to need to take another look at that as far as how that approval would go before the CRC. It might be that the CRC would also review this lease and the terms of the lease and, you know, basically give its thoughts and approval or add some additional considerations to the uses there. So, it could be done on a programmatic basis perhaps, you know, instead of year to year as we have been doing it.

CHAIR COCHRAN: Okay. Thank you for those comments. Okay. Members, any other questions or comments with anyone here? We have an array of department people. If not, Members, I'm going to defer this item because definitely we'll...

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**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Absent: MW)

**ACTION: DEFER**

CHAIR COCHRAN: Okay. Thank you very much. And thank you, departments, for being here with us. And last but not least, or are we ready for a break? A ten-minute break? Yes? Okay. So, we'll be in recess for ten minutes. . . .(gavel). . .

**RECESS: 2:55 p.m.**

**RECONVENE: 3:06 p.m.**

CHAIR COCHRAN: . . .(gavel). . . Aloha, will the Infrastructure and Environmental Management meeting please reconvene. So, Members, we are on our last and final item for today.

**IEM-38 VISITOR IMPACTS TO COUNTY ENVIRONMENTAL AND INFRASTRUCTURAL RESOURCES (CC 17-231)**

CHAIR COCHRAN: It is IEM-38, this is the Visitor Impacts to County Environmental and Infrastructural Resources. We are in County...receipt of County Communication 17-231, from myself, relating to Visitor Impacts to County Environmental Infrastructure Resources. This Committee is also in receipt of correspondence dated September 11, 2018, from the Department of Corporation Counsel, transmitting a proposed resolution entitled, Urging the Office of Economic Development to Require the Maui County Visitors Association to Incorporate Specific Environmental Action Items into Grant Objectives. And the purpose of this proposed resolution is to urge the Office of Economic Development to require the Maui County Visitors Association to incorporate specific environmental action items into grant objectives and to urge the Office of Economic Development to submit a detailed grant evaluation to Council, for the grant to Maui County Visitors Association, pursuant to Section 3.36.120, Maui County Code. And the Maui County Visitors Association also known by its trade name, the Maui Visitors Bureau, or MVB, is the Chapter of the Hawaii Visitors Bureau. The Maui County Visitors Association received \$4 million in the FY 2019 Budget. And as stated in the resolution, visitor arrivals are on pace to reach nearly 2.9 million visitors by the end of this year, which would make it a record-breaking year for the fourth year in a row. This record-breaking number of visitors has a large impact on the infrastructure and environment of our island. In fact, recent technical reports from UH Economic Research Organization, UHERO, and the World Travel and Tourism Council have focused on the need for tourism-based economies to shift from promotion, to broader planning, and management challenges. The Maui County Tourism Industry's Strategic Plan 2017 to 2026, includes four pillars, one of which is environment. However, the plan does not include action items for implementation

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beyond lobbying and communication. I have worked with community stakeholders to identify potential action items, which would help to mitigate the impacts of visitor industry on our environment. The Office of Economic Development oversees and administers the grant to the Visitors Bureau. According to the office's FY 2019 grants handbook, grants require goals, objectives, and action steps, and performance measures that are specific, measurable, action oriented, realistic, and timely. So, this resolution includes various suggested action steps which could support the incorporation of environmental action items into grant objectives, and it is my intention to urge OED to require these action items. I would like, I would also like to urge the office to provide comprehensive grant evaluations for the monies appropriated to Maui Visitors Bureau, so that the Council can be well affirmed [*sic*] of how monies are spent. So, Members, at this time, I'd like to open the floor up for discussion of this, of the Committee, invite departments present to provide comments on the proposal. But unfortunately, we got an e-mail stating that Ms. Rasmussen of Environment, Office of Economic Development could not attend this afternoon. She was present with us this morning. But so, we don't have Ms. Rasmussen, and also Visitors Bureau themselves has declined to be here and participate. So, I think it's still very important that we discuss this and see where we can go, you know, with this resolution which is just the urging, of course, of the Economic Development and entities. So, with that, Members, I'm not, Miss, I do have Ms. Thomson, from Corporation Counsel here. So, Ms. Thomson, do you have comments? I know there's an amendment here in the reso.

MS. THOMSON: Thank you, Chair. I don't have any comments on the original version. For the proposed changes to the reso, I think that you might want to perhaps flesh out, there's a statement that says, funds should be prioritized to manage visitor population growth. So, I'm not quite sure if that means the grant funding should be earmarked for that purpose, or maybe that could be a little bit clearer. But as you said, it's a reso urging OED to incorporate some of these action items into their grant making. So, as overall, I don't see any problems with this reso.

CHAIR COCHRAN: Okay. Thank you very much for your comments. And okay, anyone else have any comments or points to make? And I want to introduce a non-voting Member, Ms. King is here to join us. But you can by all means participate in the discussion. We have Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, thank you. I appreciate you bringing up this subject. All the counties, I believe, having some type of discussions regarding capacity, quality of the visitor industry on their local community. I know Kauai did an assessment with the Visitors Bureau and other key partners and they came up with their own assessment. I think we're, we need this discussion. On Lanai, I would say we need a little bit more visitors. On Maui island, I would say, I think we got enough. And it's a good question, Chair, because you cannot just look at the traditional facilities of inventory. Okay. We know how many hotel rooms we have. Our problem is those that we cannot verify that exist but something's out there, whether it's an illegal B&B,

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illegal STR, whatever it be, you know, we need to get a grip on it. And I would say it is impacting resident attitudes towards visitors. But at the same point, I would say that the visitors understand some of the residents' feelings and in that point, I would say, the visitor in our County has been willing to pay their taxes. Okay. And they pay about 130 million a year, excluding excise tax. Our problem is getting our share of that 130 million that they pay to this County to use our parks, to use our roads, to drink our potable water, to enjoy our uniqueness. But for me, Chair, you know, I would say if we really wanted to get into it, we should have brought up the contract with MVB, go through it, review what the Department had put out in the RFP for what they are to respond to and why they need "x" dollars for those things. And I can see how then this would tie in to the Chair's subject matter. For me, to just say we have some ideas of what you should have in a grant agreement. Okay. I can feel good. But you know what? It's going to last until I leave this meeting. Okay. And that's it. It's an urging. I get urges every day. Okay. So, if we are serious, then we should look at some kind of policy component that we may want the office or a department to consider implementing. Because I think that would be easier for us to respond. Unfortunately, we don't have OED here today. We don't have MVB. But my thing to them is, again, we are going to need to make some major adjustments, Chair, especially if we lose our control of real property tax. Okay. 'Cause we heard about, another committee may know the other people want services. And yes, they do pay taxes, but I can tell you for that item, the amount that we're going to have to put out to make it work, there's an imbalance, there's a subsidy involved. We're going to have to spend more than we receive. This is one area where we receive more than we're actually getting, Chair. So, for me, I would be looking at your recommendations, but something more in an area of what we may consider for a policy. 'Cause like I said, to urge the Office of Economic Development, I'd rather deal with the new Mayor and the new Director 'cause I'm not going to get much results in eight weeks. Thank you.

CHAIR COCHRAN: Thank you very much for sharing your comments, Mr. Hokama. Mr. Carroll, hi.

COUNCILMEMBER CARROLL: Thank you, Chair. In Hana, we see something like this as a real potential to solve some of our problems with Hana Highway and visitor, locations where visitors tend to congregate. There's nothing we can do on the legal level or the County level, or the State level because we have problems with bigger buses coming through, too many. But if the Visitors Association we can get them to look at a comprehensive plan how the resources are used and bring in rental car companies and what and say hey, you know, this is, obviously they're going to have some pull because all those companies pick up their guests from the hotels. And so, maybe we can get some really good dialogue going over there about how many buses come to Hana every day and the size especially of the buses. We have some pretty big buses coming through and it's becoming a real problem. We have a committee and we've met many times. But I foresee perhaps using this to have some guidelines on there to get them to sit down together with the other associated things, not just with the hotel but with your rental car companies and with your tour companies. And the locations,

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have that as part of the discussion, locations that are a problem for the local people because we have too many people going to some of these locations and that's not appropriate. I would hope that they could address this too. I see no reason why they couldn't. Now, it might not make the problem go away 100 percent, but they should be able to make it a lot better. So, I look forward to some discussion on that. Thank you, Chair.

CHAIR COCHRAN: Yeah, very good. Thank you, Mr. Carroll. Yeah, Hana, as a concierge from the past, Hana was one of the top visited areas, not just on Maui, but in the State behind Arizona Memorial. So, that's huge impact to the little town of Hana and the roads. But thank you for your comments. And, Ms. Sugimura, you had some comments?

COUNCILMEMBER SUGIMURA: I just want to add to what my, everyone is saying in terms of discussion. So, I look forward to having Ms. Rasmussen here, as well as if Sherry, you know, from MVB could be here also. And interested to see what's in the, also when you look at the MVB contract that they have, what else is in the strategic plan. I think that's the important, another important document. So, that's all.

CHAIR COCHRAN: Okay. Thank you, Ms. Sugimura. Mr. Atay, or, 'cause I'll have, I know Kelly's here to make some comments. But I'll go with the voting Members. Yes, Mr. Atay?

COUNCILMEMBER ATAY: Thank you, Chair. I think this item, we need further discussion on. And it's a shame that we don't have, we can't really move forward today without representatives from tourism and Economic Development. I also like Member Hokama's recommendation that should we be able to move this forward to have in front of us the previous contracts that we're giving the funding for, and to reassess, I mean, that's pretty much what we can do is to reassess how our County funds are being utilized, keeping in mind that, you know, the local residents are the ones that are feeling the impacts of the success of this industry. But keeping in mind how do we maintain the quality of life for Maui, and the Maui that we really care for versus allowing the economic success and involvement of the tourism industry amongst our community. So, this is a discussion with hopeful, I think we need hopeful planning of balance, you know, it's amongst the local resident community in certain particular communities they're up to the brim of holding their behaviors in check. So, we really need to hear the pulse of our people and address this issue.

CHAIR COCHRAN: Yeah, thank you, and that's, yeah, that's the intent behind the resolution and the points in it. So, yes, or, Mr. Guzman, did you have some comments? So, okay, Ms. King?

COUNCILMEMBER KING: Thank you, yeah, I don't, I have a meeting at 3:30 but I just want to thank you for bringing this subject up and kind of reiterate that yeah, I think we do need something stronger than the resolution. One of the things that struck me about



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the resolution is that we're asking the Office of Economic Development to do something and I believe they serve at the pleasure of the Mayor. So, we probably should be directing this toward the Administration. But yeah, we only have two months left, that was pointed out of this Administration. But I do want to, I wanted to mention that, you know, if you look at the Maui Island Plan, it calls for tourism to not be over a certain percentage of the population which I think is something like 33 percent. We're well over that. So, that's why we're in this period of over-tourism. And I think if you just need data to back up why we need to do something like this, there it is. But besides which, you know, all those of us who are feeling the crunch of traffic and not enough infrastructure. So, I would support the idea of looking at the, I've never seen the RFP that goes out, you know, that the MVB responds to. I just know, I just see the budget item on, in the budget. And so, it'd be interesting to see how that, you know, some of, I guess what we're almost moving towards is what I proposed the last budget session, which was a, proviso's in that budget so that some of these things come into play, the environment and things like that. And one of the items I still think is really important that I proposed and it didn't pass is the, putting together a program, you know, having the MVB educate the tourists before they get here and before they book their trips on what booking illegal short-term rentals does to our economy, you know, it drives up the price of housing, it drives up the cost of rent. And then, and so, you know, if we're going to be able to tell tourists when they're thinking about their trips, book these hotels, or book your golf course, or whatever, we should be able to say if you're going to go outside the hotel, book a rental that has a legal permit, because when you don't, you're invading neighborhoods, you're driving up the cost of rents, you're, you know, how the cost of housing is going up. So, you know, that, I think all these things are good, you know, the environmental, of course, invasive species and things like that, that people may be bringing over. I was actually, I used to go to the Pacific Island Environment Conference with the EPA back when they were doing that and do presentations. And I was surprised that there were people that worked for the EPA that would go on hikes in places like Guam and Samoa and bring their shoes back. And I used to ask them, aren't you afraid of whatever spores may be on there, bringing back some stuff? And they, oh I never thought about that. So, if you got people working for agencies like the EPA not thinking about that, you can pretty much be assured that the average tourist is not thinking about what they're bringing over. So, yeah, I think this needs further discussion and maybe something a little firmer than, you know, than a resolution. But if you, I mean, I'm not a voting Member, but I would support moving ahead with a resolution if that's the first step in that movement.

CHAIR COCHRAN: Yeah, thank you very much, Ms. King. And that was the point in putting together this resolution was to hopefully garner some ideas and points to create policy out of it. So, of course, we all know it's just an urging of sorts which, but it's something. And it was a way to just get out some key points that, you know, the effects of the tourism that's happening and that we need to address and discuss it. So, I had, this meeting was scheduled previously and we, you know, we didn't have enough quorum to move forward. And all along I just wanted to make it a point that

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Ms. Duong and the Visitors Bureau has been declining. It's not a lack of me inviting. It hasn't been a lack of me being open to hearing, to discuss, and proposals. So, you see the letters of response in Granicus. And Ms. Paulson has been here via the Hotel Lodging Association, and basically the answer is we're already doing these things. So, why do we need to talk about it and why do we, you know, what's the urging about because we're already doing it. But you did hear, I did send Autumn off to the Tourism Summit and she explained a real brief takeaway that truly some hard hitting efforts are not being done. And so, yeah, I'm more, I want to yeah, put some teeth into this. I want to put it where it's really going to make an impact in policies. But at this time, as been stated, there's only a few more weeks left here of this term and, you know, this Council and we'll have new turnover in some of the bigger decision-making seats here. But in the meantime, I think this discussion needs to be here, and a resolution, it would be helpful to move, and it's just a reso. You know, this isn't force and effective law on anybody. And so, but I just wanted to make that point. And Ms. Rasmussen, too, has stated that no one else in her department has any expertise in talking about tourism. I mean, I'm kind of shocked about that comment that there's no one else in that department who has any kind of expertise about talking to us about this tourism stuff. So, that's disconcerting to say the least. You know, I just think that this is something that's hopefully going to urge not just us as policymakers, but urge Department as the people who are getting the money from us and giving these grants out to the entities, you know, who I'm hoping and praying they are managing tourism, too, making sure that the impacts are not disrupting our lives, and our culture, and our environment and things like that. I think that's very fair. I think that's a very fair ask and a very fair point, you know, \$ 4 million later. So, my intent today, Members, was to move this reso, and that's all it is, is a reso which unfortunately all it is. But it is to me the step in the right direction and something that's going to grow into something heavier, and stricter, and definitely make some hard-hitting impacts to our future, all of our futures. As tourism is our number one economy at this time, I definitely don't want to kill the goose that lays that golden egg because I feel like in a lot of ways that's occurring, you know. Things are being overrun, over loved to death and all that. So, yeah, so, that was kind of my intent. But, you know, I hear a lot of you saying you want to hear more. But I'll tell you, I have been trying to get departments here and it has not been successful. So, whether they just want to blatantly stonewall this, or I don't know, you know, hinder the progress forward. I think it's worthy of discussion. It's not to target anybody or say, you know, you're not doing your job. It's just a discussion to vet it out because we hear, we see the impacts, we live in the impacts, and I think that's all this is about, right? It's just pointing out some facts and hoping to get some type of solutions to them, action items. So, that's kind of where I'm at. So...

COUNCILMEMBER SUGIMURA: Chair?

CHAIR COCHRAN: Yes, Ms. Sugimura?

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COUNCILMEMBER SUGIMURA: So, I wanted to just talk about what Ms. King has just mentioned about wanting to get some things in the budget that didn't make it. And it's actually in the budget. I've heard her say that before, it's actually in, under OED and I'll get a page of it, and, or I'll let her know where to look. I think it's, if I remember the budget deliberations that I think it's in OED section and it's actually line itemed, the different areas, I think one was short-term vacation rentals, the impact of that, one was about sunscreen and I don't know. There were four items I think. But I think \$200,000 or some significant amount was put in there about that, but I'll find it. And I could be mistaken, but I'm quite sure it's there. Can we find out from OED what they're doing about it?

CHAIR COCHRAN: So, Ms. Sugimura, you're saying that there's a line item, if you can recall --

COUNCILMEMBER SUGIMURA: In OED.

CHAIR COCHRAN: --for efforts towards --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR COCHRAN: --these types of efforts?

COUNCILMEMBER SUGIMURA: Yeah, so, whatever, you know, what recommendations came out of that discussion were under MVB line item. But I think it was put under OED as a, you know, as in a more general sense because it, I don't know why, but it may be more appropriately there. But I'll find it and I'll give it to you.

CHAIR COCHRAN: Okay.

COUNCILMEMBER SUGIMURA: I could be wrong.

CHAIR COCHRAN: Yeah, Ms. King, you, is that what you recall?

COUNCILMEMBER KING: Well, no, no.

CHAIR COCHRAN: Is that what you were saying?

COUNCILMEMBER KING: No, because there were, there was like 275,000 that I had proposed for three or four different items and then that got reduced to 100,000 that went into OED and it had something like 12 or 15 things listed that it could go into. So, it wasn't really proviso's, it was like an extra pot of money for, you know, to be spent on any of those things. But, you know, my opinion it wasn't enough to cover more than one of them. But the whole point of it was, I think the whole point of this resolution is to bring the entities together because we know OED has funding and has grants for environmental efforts and for a lot of different things in that environmental

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protection. But the point of having the proviso under the Maui Visitors Bureau was that recognition that we do need to start moving into managing tourism and not just marketing for tourism and to meld those two efforts together so that there's not, they're not working on opposite sides of a line that's drawn in the middle, but they're working together and there's a collaboration. So, that was the, for me personally that was a disappointing piece about that was to keeping it separate and saying no, we don't need this to be in the Visitors Bureau budget. So, that's what I was talking about is that, you know, if we're sit...if we're going to put, if there's a resolution urging the OED to say this needs to go into, come out of the Visitors Bureau efforts, then that's what didn't get, what didn't happen in that last Budget Session.

COUNCILMEMBER SUGIMURA: So, Chair?

COUNCILMEMBER KING: So, that was --

CHAIR COCHRAN: Right.

COUNCILMEMBER KING: --you know, that, and I think I explained that pretty well that that was the original intent. It wasn't that we expected the Visitors Bureau to go out and look for little fire ants. But if they were taking some of their budget and putting it into expanded projects that were actually identified by the Maui Invasive Species Committee that wasn't funded, but it was, it revolved around tourists, you know, looking for the invasive species that come, at the place where the tourist entities, the hotels, the condos, are buying their landscaping materials. You know, they got small kind budget from Maui Hotel and Lodging for inspecting the hotels. But what they told me was what we really need to do is go in and inspect the places where the hotels are getting their landscaping from and go to the point of origin, and then we'll be much more effective. So, those are the kinds of things that I was hoping that would come, you know, be in, come out of the Visitors Bureau budget so that they're working together so they all understand the problems and can start relaying some of that information to the tourists before they get here.

CHAIR COCHRAN: Yeah. Yes, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: So, this is from the budget--oh thank you--it's on Page 20 of the budget and it basically, I remember the discussion for, it was about visitor education, grants and disbursements for visitor education. There's 200,000 under B Account, and it says visitor education one, provided that funds shall be used for campaigns targeted at visitors that will mitigate visitor impacts on infrastructure and the environment. Topics may include but not limited to sunscreen and reef health, safety in and around the ocean, and on hiking trails, impacts of illegal short-term rentals on residential housing, identifying illegal vacation rentals and learning to be respectful guests to culture and the environment. And this was the 200,000 that was taken out of 4.2 million, taken 200,000 put into OED if I, you know, remember just the sequencing correct. But it's here, I'm not too sure what else my fellow member is

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thinking. But I thought that it was accommodated in OED under this, you know, proviso that's listed here. I'll make a copy of it, so you can see it.

COUNCILMEMBER KING: I have it here. So, I know what you're talking about. It's not under MVB's budget.

COUNCILMEMBER SUGIMURA: It's MVB grants and disbursements for visitor industry under OED.

COUNCILMEMBER KING: OED, right. It didn't come out of the...

COUNCILMEMBER SUGIMURA: And it's visitor education. And it's what you wanted, but it's not under MVB but it's in OED to take care of for visitor education.

COUNCILMEMBER KING: That and, you know, just, we're mincing words here. But that wasn't what I wanted. What I wanted was for that to be part of the MVB mandate, so that they're working together. It was --

CHAIR COCHRAN: Right.

COUNCILMEMBER KING: --275. There was already 100,000 in here for this. So, they took 100 out and added it to this --

CHAIR COCHRAN: Right.

COUNCILMEMBER KING: --to make 200. So, you know --

CHAIR COCHRAN: So...

COUNCILMEMBER KING: --it's just a whole --

CHAIR COCHRAN: Yeah.

COUNCILMEMBER KING: --it's a philosophy, Chair.

CHAIR COCHRAN: Right.

COUNCILMEMBER KING: It's like --

CHAIR COCHRAN: Right.

COUNCILMEMBER KING: --and that's why we do resolutions. Like you said, they don't have the force and effect --

CHAIR COCHRAN: Right.

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COUNCILMEMBER KING: --of law, they're philosophies.

CHAIR COCHRAN: Yeah.

COUNCILMEMBER KING: They're kind of where we want things to go.

CHAIR COCHRAN: And so, I think that's why this is again going towards Office of Economic Development, 'cause those funds that we sort of, you know, appropriated in specific areas for them to, to urge them to move forward because there really weren't any action per se, you know, this is what we're trying to create right now. So, that's kind of what this is.

COUNCILMEMBER KING: Well, Chair, I don't even understand how they're going to do any of this if you're saying they don't have anybody with tourism expertise in OED.

CHAIR COCHRAN: Well, no sorry, but Ms. Rasmussen is the only person.

COUNCILMEMBER KING: Oh.

CHAIR COCHRAN: According to her e-mail and why she couldn't, she couldn't present today and didn't have anyone else from her office to send here on her behalf because she is the only person who can speak on behalf of tourism in her office. So, that's why we're here without a OED person. But, you know, but that's...yeah, so, alright. Mr. Guzman, did you have comments?

VICE-CHAIR GUZMAN: No, I actually was saying that this might be a good reso to introduce at the beginning of next term, just because if this were to pass out now during this term, it basically doesn't really apply to a new Administration. So, it's something that you would look into probably introducing it next term, whoever would be still around because then it would be more applicable to the new Administration. There's only what, two months left that we have here and I'm pretty sure if they got this reso, they'll probably be like, well, we'll just pass it on. But it won't be applicable if we pass it in this term to the next term. So, it's better to pass something like this right at the beginning.

CHAIR COCHRAN: Yeah, well...

VICE-CHAIR GUZMAN: Just strategically.

CHAIR COCHRAN: I guess it'd probably, it looks like maybe one of us is . . . *(inaudible)* . . . I'll just, you know what I guess it's up for deferral right now 'cause I don't know where it's going, and we are at bare quorum currently.

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**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Excused: AA, YS; Absent: MW)

**ACTION: DEFER**

CHAIR COCHRAN: So, you know, with that, hopefully we can get further discussion with everyone, you know, that's meaningful. And again, yes, we are in the process of things changing over, seats on the Council, 9<sup>th</sup> floor, and what have you. So, again, just want this on the record that this isn't forgotten because there's been a lot of discussion with the industry itself, the visitors themselves even. Visitors complain about visitors, too many. But also, you know, we as the residents and it's important, you know. So, I just want, thanks, everyone, for attending and being willing to chime in and share in this discussion here. But it's time to look at it. So, Members, this is the final item for today. And with that, we are adjourned. . . . *(gavel)* . . .

**ADJOURN: 3:40 p.m.**

APPROVED BY:



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ELLE COCHRAN, Chair  
Infrastructure and Environmental  
Management Committee

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Transcribed by: Marie Tesoro

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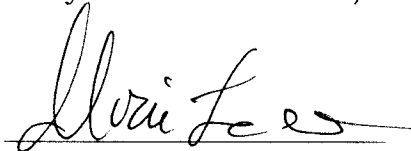
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CERTIFICATE

I, Marie Tesoro, 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 6<sup>th</sup> day of November 2018, in Wailuku, Hawaii

A handwritten signature in cursive script, appearing to read "Marie Tesoro", is written over a horizontal line.

Marie Tesoro