

TRANSCRIPTION

Council of the County of Maui on 2022-12-16 9:00 AM - Public Hearing

>> questions for MR. Hoyle? If not, thank you very much. >> our next testifier -- >> aloha everyone. Good morning -- good afternoon. >> aloha. >> my name is bruce ulu.\r\n\r\nLife-long resident of maui, hawai'I carpenter trade and working for the regional council carpenters. First I would like to say thank you council member king, sorry, long time. Thank you for all your service, in fact, thank all for all your service. You guys put yourselves up there, and it's a whole different level. So mahalo for what you guys do and continue to do. Thank you for serving your term. And also, I support the hospitals.\r\n\r\nIt's a good day with everybody supporting it. It's much-needed and much overdue. I do support the hospital. I'm testing testifying on bill 154. I don't completely understand it and I thought there's a lot of potential and thinking there's sme redundances that I might see or not see. I'm not an expert, definitely need more clarity. Educated guess, but nonetheless still a guess. Protection of the boundaries.\r\n\r\nWhere do we draw the line with subsurface? I remember dealing with maui lana'I, burials were found, but not in increments 1, 2, and 3. If the overlay would be -- it's not that accurate for me. The instruments used at times are not accurate and it depends what instruments you do use? Because from up above from the earth, it's a give and take. It's not definitely accurate. So there's some stuff that needs to be worked, depending on the instrument that you use. I think language needs to be firmed up to be definite, or documented areas.\r\n\r\nAgain, to drape some the language, so we're not running on rumors. It's all cultural. I want to be factual part where I can support it. Like I said, I think this bill has a lot of potential, and we need factual documentation, because we deserve it. I think definition of the words need to be made. Some wording is very loose. I sent the bill again to someone in shpd, giving your mana'o, because again I'm not an expert.\r\n\r\nI'm asking for your perspective on something. They wanted to look at it a little more. I think they did review a certain part, but wait doing a little more from what I was told. And I will keep it short, for me, in reading this, that is a lot of kuleana given to an individual. Whether or not it's the current archaeologist or someone else, we need to be certain. Certain again, because it's our history. That this person with this kuleana needs to be fitted what is being asked.\r\n\r\nPlease correct me if I'm wrong, it's not my field. Our current archaeologist's expertise is in plantation archaeology and not cultural archaeology. This would not be fitting in my eyes and I'm not saying disrespect. I became a journeyman in '94 and the instruments that people are using for this technology, I have got some certifications along the way and additional training in las vegas. But because I'm within the construction industry, I will not be qualified to teach something out of my realm. >> bruce, can you conclude, please? >> yes.\r\n\r\nIn other words, carpentry is my only thing I know, even if I'm in the construction field. And that is within my realm where I'm comfortable. I would support this bill if it was a little cleaner. Mahalo for your time. Happy holidays. >> thank you. Members, are there any questions?\r\n\r\nMember paltin. >> thank you, chair. I just wanted to clarify, we had a presentation from shpd yesterday. Did you contact them between yesterday and today? >> yes, yes yesterday. All they are saying that they are waiting to look at it -- it was a rough yes. When I asked.\r\n\r\n>> can you clarify what time? >>

two hours ago. >> yesterday's meeting at 1:30, they said their supported the bill as-written. >> I don't know the person, to be honest.. That is what I was told. >> mcalister. >> thank you. >> thank you.\r\n\r\n>> any other questions? If not, thank you very much. >> happy holidays. >> you, too. >> chair, your next testifier is scott crawford, followed lucienne de naie, followed by ivan lai. >> again. Scott crawford.\r\n\r\nAre you on the call? >> let's go to the next one. >> lucienne de naie. >> aloha. >> aloha. >> I am here to testify on behalf of sierra club in support of bill 154. First of all, I would like to address the comments about our archaeologist, although DR. Six received her ph.D. Specializing in plantation archaeology, she has broadly study archaeology in all of its forms, deeply connected to the hawaiian cultural forms, and I participated in research that she has done, digs in various areas with hawaiian significance, with the students she had at uh.\r\n\r\nShe has been hired to review mny projects with hawaiian archaeology sites. She is completely qualified to lok at plans, and determine if they are hawaiian cultural sites present. I just want to bring up a couple of things. First of all, 25 years ago, we were looking at a cultural overlay bill, the hale'akala times 1997, and the reason was given then is all began with bulldozers tearing up lower main street in wailuku, bones and evidence of burial sites and significant archeologic remains. That was a year-and-a-half and this discovery led to concerns and concerns led to a proposed new county ordinance that will create overlay districts on te maui map. Well, that was shoot down and it ahead of its time and dorothy worked hard to convince it would help everybody, because having more information helps everybody. Having information early in the process and, in fact most of our community have a very, very implementing action that says, I'm reading from the south maui community plan, but many of them have exactly the same wording, requires development projects to identify all cultural resources, located within or adjacent to the project area, prior to application, as part of the county's development review process.\r\n\r\nWell, that's the what. This ordinance bill is the how. How do we do that? We get, you know, a uniform level of review at an early part in the process, so that we can avoid places that are culturally sensitive, none known to be culturally sensitive and we can move forward with less uncertainty into that places that don't have impacts of cultural impact and 70% of maui is going to have those impacts, but there are places on maui that are. And we should just act in a logical manner and avoid them. So thank you for your consideration passing this bill today. It's had plenty of review.\r\n\r\nOn a couple of other items, just personally, I'm in strong support of sending a resolution to the state about the west maui hospital. Enough already. This has been talked about, and worked on by so many people for years and years. It's really needed. West maui contributes so much to our tax base, and a lot of that money goes to the state. The state is in really good financial shape. This is the time to move forward and lay the groundwork to have a first class medical facility on the west side of maui.\r\n\r\nSo that we have our infrastructure that matches our welcome mat. We're welcoming millions of visitors that end up in west maui and yet, we have no place for acute medical needs except a long drive across napili, that MAY or MAY not b blocked. Thank you for your support. Moving to bill 207. The rental assistance. Thank you for doing this. I serve on the standup maui board and we just had a great presentation on the rental assistance that was available during the pandemic. It's ending, and we

have a lot of people caught in between and be twixt and it's not that they are not working people and it's not that they don't have jobs and that they are lazy, but rents have skyrocketed.\r\n\r\nSo to keep them from becoming homeless is a good idea. The 'aina kupuna bill 204, amending that to make it even a little bit more inclusive. Thank you for doing that as well. It's a great christmas gift to our community. And just say that in general support of 22-217 and 22-316. Just consolidating bill 154. So that it's ready for primetime to pass it. Thank you all for your service and your humor and sense of duty here. I hope you can make your decisions today.\r\n\r\nGOD speed. >> thank you. Questions? If not, thank you very much. >> our next testifier is ivan lai, followed by randy wagner, who will be followed by mike moran. >> hi, good afternoon. My name is ivan lay and I will be testifying on bill 154. I'm not a paid lobbyist.\r\n\r\nLooking over this bill, it's too vague. There's a lot of things that aren't precise for instance on several parts of the bill it started in close proximity and adds 19.46.30 requires sensitive designations no. 1. The area are in close proximity. Live in haiku and work in wailuku. That is how vague proximity can be. It has to be -- it would help everybody to have some structure in the distance of close proximity, so people have things to work off of. Also, on most culturally sensitive areas, the project itself has to go through shpd, and there needs some response from them and they usually do.\r\n\r\nI have heard some stuff said about them, but they are a state organization that watches over us. There's usually an archaeological expert on the project, so if there's anything to be found, it will be dealt with immediately. With experts in place, I think it will hinder putting the county archaeologist and probably overburden them with the different projects. I feel you have to clean this up. There's good points in the bill, but to clean it up a little bit more. Again, thank you all your time and wishing everybody happy holidays. Past council members and mayor, thank you very much for your good work.\r\n\r\nAnd the hospital, let's get it done. Thank you. >> thank you. Questions, members? Thank you very much. Next testifier. >> our next testifier is randy wagner, followed by mike moran, who is followed by ruby wagner.\r\n\r\n>> aloha. I'm randy wagner, and I would like to testify on two items. I wasn't planning on testifying on bill 154. I sit on the commission as an architect and we can really use that information. There's many times that even with geologists on the commission that we need more information and the county archaeologist is very knowledgeable. I think she would be a good person in this role. However, I think developers would be well-served by having some background information prior to embarking on projects. Because we see projects that are very advanced and in the wrong place because of lack of knowledge.\r\n\r\nThat is my opinion about that. I also want to thank you for the ceremony this morning and thank especially council member king for all of the environmental work that she has done. What I will talk about today is mostly crl39, which is the changes to the parking lot bill. As an architect and planner, this is important to me. To help explain this, climate change and heat islands, heat islands are urban areas that get hot because there's so much asphalt. And what happens this is an example of a heat island, and the rural areas around the urban areas are much cooler. Heat islands cause increased levels of carbon pollution and cause hotter temperatures due to the pollution and less evaporation and they cause higher levels of energy consumption to combats those problems and extreme storms including flooding and the stuff we

have witnessed can be helped by removing the heat island effects.\r\n\r\nSo we have a bill currently, a parking lot bill I'm familiar with, because I'm an architect, that requires one tree for every park place, but it doesn't say more than that, to allow the tree to grow and allow canopy pore for shade and require the trees that are required to be allowed to grow. What would happen, it would remove carbon from the atmosphere, tree leaves are the best filter known, the most efficient filter to remove carbon from the atmosphere and to give us more oxygen. It would reduce temperatures. Everybody knows when you are in the shade it's so much cooler, especially in hawaii. There's for air conditioning when you have shade. It would reduce energy needs. It would help stabilize weather patterns by increasing cloud cover, and just the extreme heat, and the extreme dryness exacerbates the climate problems. And the extra benefits are increased retail activity from areas that have shaded parking lots.\r\n\r\nI mean parking lot now, see people are trying to find the shade. They will walk further if there's shade. There's increased property values. Homes and buildings that have shade and trees are worth more. And there's more beautiful and healthy environments. I want to just now show you some examples here on maui. So you can see -- i don't know if you can see.\r\n\r\nI gave you all this testimony in your packets. But these are trees that are big trees. I mean, look at this tree here. It's a big tree. And it's completely chopped. >> randy, can you conclude your testimony? >> yes, 24 this will end quickly.\r\n\r\nThis is a parking lot with no trees and this is a parking lot with trees and meets code and these are parking lots on maui that live up to what I'm suggesting. So this bill is a no-brainer, the low-hanging fruit for climate and I appreciate kelly for bringing it to council. Thank you. >> thank you. Next. Questions, members? Next.\r\n\r\n>> our next testifier is mike moran, followed by ruby wagner. >> aloha once again, chair, and council members. Mike moran for the kihei community association. Basically, you know, what she is saying. Randy is an expert. She does sit on our board. And other board members, who are not experts, that is how we learn.\r\n\r\nSo kca is not part of that actual action, but we have long supported trees by getting more trees, better trees, less chopping of trees in south maui. The challenge we have faced over the years is because the county administration divides trees up into three different departments. So citizens get frustrated. They go to the planning department about a tree. That is not for this department, but for parks or public works. So the trees have no say. When they are planned, they don't know where they are being planted and what department is responsible for them?\r\n\r\nBut anything that can help is a positive step. As randy said, this is low-hanging fruit. These guys are only required to plant the tree in their parking lot and all they have to do is let it grow to a reasonable height, and breadth, so it can provide the shade, which is the purpose of it, rather than chopping them down to what are sometimes called lollipop trees. So we're in complete support of this. We recently talked to our new -- I call him new arborist. He has been around a few years and kca will have him at our JANUARY community meeting to address this issue. When I asked him the question, how in the world do you keep up with all of this on maui island?\r\n\r\nHe said maui island? It's maui county, mike. I have got all of the islands. And I said, is there any light at the end of the tunnel? He said if things go right, we'll have three arborists for 2023. We ask you to please support it, and also, once again, kelly, thank you for one more effort for our

environment that you have brought forth. Thank you very much for the opportunity, and happy holidays to you all. Aloha.\r\n\r\n>> thank you, mike. Questions? If not, next. >> our next testifier is ruby wagner, followed by -- followed by jason economou. >> call again. >> ruby wagner. >> next.\r\n\r\n>> foster um pu. Jason economou. >> hi. This is jason. >> hi. >> can I begin testimony? Should I go?\r\n\r\n>> yes. Please. >> thank you, chair lee. My name is jason economou, presenting testimony on behalf of the realtors association of maui. As their government affairs director. I'll be really brief. Council member king, council member molina, you have been incredible.\r\n\r\n\r\nThank you for your service, and thanks for all that I have learned working with you. Now the things that I'm supporting, bill 107. Fantastic. We need more resources in west maui. Thank you so much for that. Now to bill 192. This is the main piece of I want to provide. Bill 192 is reminiscent of two pieces of legislation you guys passed in DECEMBER of 2020. Those were bill 129 and bill 130. They resulted in ordinance 5160, and 5159. Ordinance 5160 was recently deemed unconstitutional. It was discriminatory against property owners based on their zoning.\r\n\r\n\r\nYou guys did that to get -- it changed the definition of "transient vacation rental." you guys got a payout of an additional \$ 9 million in tax revenue and now that needs to be paid back and lawsuits being filed. It's also being challenged in court right now, because that is what took away the classification sstem and there were some issues. You seem to be trying to effectuate what you wanted to achieve with those bills through bill 192 but I don't think it addresses the constitutional issues. I have a feeling this will get challenged in court, too u and might be deemed discriminatory, too. So please have your attorneys look at that and talk to some tax attorneys before you move forward with that. That's it. >> thank you, jason.\r\n\r\n\r\nAny questions, members? Vice-chair rawlins-fernandez. >> mahalo, chair aloha, MR. Economou, mahalo for your testimony. In bill 192, what specifically -- what specific amendment are you talking about? Just real quick. >> what it seems to do is make that hotel zoned properties or grandfathered apartment properties that can do transient vacation rentals cannot qualify for the non-owner-occupied class.\r\n\r\n\r\nBy making that selection on their zone classification is discriminatory, because similarly situated property in residential zoning can qualify for the non-owner-occupied class. So you are eliminating whole categories of property owners from class purely based on zoning distinctions and that is discriminatory, potentially, a court might determine that. >> I can disagree. Mahalo, MR. Economou, mahalo chair. >> any other questions? If not, thank you very much.\r\n\r\n\r\n>> thank you. >> ay we have the next testifier. >> our next testifier is foster, followed by vernon kalakoa, followed by kaniloa. >> aloha, good afternoon, council chair lee and council members. Mahalo for this opportunity. I'm testifying on bill 154. Though I support the concept of a cultural overlay map, I oppose this bill, and the amendments in its current form for the following reason, the language isn't inclusive. Family relatives living descendants who customarily have [Speaker not understood] The second reason is burials are subsurface as the testifier pointed out.\r\n\r\n\r\nAnother point is how accurate is this cultural overlay map? The source of the data collected, often, you know, you will find that the burial council meetings, when the public submits descendancy applications, they are applying for recognition, either to lineal descendent to the iwi kupuna, not the geography, or ancestor from the

ahupua'a that the iwi kupuna that inadvertently -- so two very distinct differences. This is covered under hawai'i administrative rules 133 5. So although cultural overlay map, like I said, I support that concept. This bill doesn't do enough. The language is insufficient. It lacks clarity and specificity. And burials as testified you pointed out are subsurface.

So another concern that I want to point out I in this overlay map, is the intent to exactly identify the location of family burials? And who has access to this information? Because a lot of the concerns that we have is that we don't want our families disturbed. You know, we're afraid someone is going to come along and through this overlay map, they will know where my tutu is buried. The point is that we just want them left alone. I actually have a lot more that I want to say, but I will end here. If council members have any questions, I would be happy to answer them.

Thank you. >> thank you, foster. Any questions, members? Member kama, vice-chair rawlins-fernandez. >> thank you, chair. Just want to clarify, was it 19.46.02c4 that you referenced? >> hold on, let me look at my notes.

19.46.020 section c, n. 4 >> I wanted to clarify, is that not addressed in 19.46.030, when it says instead of documented, known burial site and that would include the things that you listed as a concern for the section before it? >> okay, if you look at H.R.S. 35 -- excuse me. >> sorry, it was yes or no? No? Yes? >> no, no, council member tamara, can you repeat your question again? >> I thought that the concerns you addressed in 19.46.020c4 were addressed in the following section, where it said, sorry my time is up.

19.46.030, where it says known burial instead of "documented." because that would cover the families' knowledge. >> I was specifically talking about the lineal descendants, who would have that oral history and that generational knowledge. >> all right. Any other questions? Member kama. >> thank you, chair. Thank you, foster, for being here.

I do want to have a conversation with you at sometime. So could you leave your name and number with our staff, and I can contact you later? >> kino, mahalo. >> mai kino, mahalo. >> vice-chair rawlins-fernandez. >> mahalo, chair. Aloha, MR. Umu, mahalo your testimony. One of your concerns was protection of iwi kupuna. So we heard testimony earlier on the word "proximity." and the purpose was to keep that information protected. So having the word "proximity" would keep that section, keep it vague enough that people wouldn't know where iwi are specifically. And in the presentation that we received yesterday, we were informed by shpd and DR. Six that iwi kupuna information is something that is proprietary. So it is protected.

It's not a gis layer that would be available to the public. The yes was regarding proximity, if that -- if it addresses his concern about the protection of family iwi? >> foster? >> yes. >> thank you. >> mahalo. >> the idea is to ask for clarification and not give it to the extent possible.

All right. Any other questions? Next testifier. >> our next testifier is vernon kalakoa, followed by kanaloa, followed by fertado. >> I'm testifying on bill 154. Even for myself, I read this last night. I have to read them over and over to understand it better. But I will just call a couple of things that stand out for me.

So the principal archaeologist, I assume after hearing the previous testifiers, the maui county archaeologist and maybe just put the maui county archaeologist in there rather than principal archaeologist? Being so that is probably the principal archaeologist, I would like to see more safeguards, like monitor the monitor monitor, you know? More for accuracy

and where this information is coming from? The data for the cultural overlay? The moku council, are we talking about individual moku or under the umbrella of maui county? Which council are you talking about? The burial council just the burial council in general, their kuleana is just reviewing and the other is inadvertent and previously discovered iwi kupuna.\r\n\r\nSo why are they in this bill? That's about it. My largest concern is where this information is coming from? Is it coming from moku? The burial council? There's plenty of hawaiians that they -- I want to make sure that the information is accurate and credible. So if you guys pass this bill, maybe you put the usual add in kipu moku ot of it this, because we don't need this bill in our moku, okay?\r\n\r\nSo it's a good bill. I just feel like others feel. We just got to work on it, we're getting there. It's got to be more inclusive to the community, especially to those familis from the ahupua'a and moku. I don't want somebody coming into my moku and tell on google story, not born and raised here, you know? So it's just got to be more inclusive and welcoming. And then there's plenty of people in our community that have been here a long time, as long as myself.\r\n\r\nAnd they have plenty of eki. Mahalo. >> questions, members? >> thank you, chair. Thank you for being here, MR. Kalani. I sense that you really would lke this thing, because it's a good thing, but would you like to see it go back to committee?\r\n\r\nTo have more discussion? >> you know, no. You know, i apologize. I just saw this last night and I read it. I wish I got more time to embrace it. But these are my feelings that it just needs more work, participation, because right now, we only get moku council, oha, and the burial council providing data to janet six. So is that it?\r\n\r\nYou know, is our moku council going to reach out to the people of the community? No work in my community. You have to reach out. I have to do my own moku action in my own way. So I support it. I would like to see this improved. That is all.\r\n\r\nBecause we need it. We need it. >> thank you. >> thank you. Member paltin. >> thank you, chair. Thank you, for your testimony to clarify is shpd credible in your opinion?\r\n\r\n>> no. We want to clarify the projects that I'm involved with. >> thank you. It was yes or no. The next question is just are you satisfied with the process right now that goes on when burials are unearthed? >> yes. I like what is in place.\r\n\r\n>> thank you. >> anyone else? If not, thank you very much, vernon. >> thank you. >> next testifier. >> our next testifier is kaniloa, followed by trinett furtado, followed by DR. Meredith miller.\r\n\r\n>> aloha council. Council chair, thank you for the opportunity to testify. I'm for bill 154. You know, concerns about who pushed for this should be a concern. It's ongoing knowing what is going on with the iwi and the desecration, and the displacement of our iwi. We're looking at people have been so used to moving iwi, and taking them away from their burial sites, that it's become second nature, a process that it's all right to move iwi. As long as the state says it's okay, then everybody is good with it. But te reason why this came about, and why even janet six, the county archaeologist came about, because processes weren't being followed, the laws weren't being upheld.\r\n\r\nThe fines that should have been allocated to those who basically desecrated, were never upheld by shpd. And so kaniloa took upon itself to push for a county archaeologist and we needed archaeologist in the county because we didn't have an expert to look at permits. And it was appalling MR. Donner said years ago, that he signed off on permits without vetting any of the work that was being done. So we felt as malama

kaniloa, to insert a county archaeologist would be key for the county and for the developers to have a better picture of what is going on. This overlay, what it's doing is also helping to take care of 6e, which is if they fail to incorporate -- it shows highly sensitive areas, and that what it does mean, is more work is going to have to be done to assure that it is a sensitive area that it is a known area of burials. We had many discussions with the county commission, as well as state commission on events that are happening in areas that we were told weren't true, and yet, they were.\r\n\r\nThe evidence was there. So this bill is important, and I think it's already been watered down. Many things that were supposed to be in there have been taken out. The people don't realize, the only people that take a loss in this is kanaka maoli and for a lot of people that come in to develop, they are not from here, and they really don't care. I think this overlay helps to get a better understanding, and to be more inclusive of our culture. Thank you. >> thank you.\r\n\r\nAny questions? Member paltin. >> thank you, chair. Just yes or no, you are saying that you support bill 154? >> yes. >> thank you. >> any other questions? Next testifier.\r\n\r\n>> mahalo. >> our next testifier is trinette furtado, followed by DR. Meredith miller, who will be followed by dwight burns. >> aloha, mai kakou. Trinette furtado mai kula. Mahalo for sticking through it, and seeing all of this through, as much as you can. I'm testing testifying on bill 154, establishing a cultural overlay map, which I supported, and to mahalo council member kama, when she spoke on the recent million brv 6 million dhhl beneficiary prann.\r\n\r\nHow evident it is time and again whether the owner managing agent, realtor or other interested parties both kanaka and non-kanaka have more standing than to prove lineal descendancy. To speak for the iwi, 'aina and processes. The belief of 'aina, the commodification of this place that breeds disregard for bones that they are not related to. For ceremony that many have no business with or part in, taking advantage of the current supports in a system that keeps 'aina marginalized and silent and as an excelling, those who pop hanna, this is from speaking out to protect it and themselves. To make decisions or kanaka and 'aina, "the things many that you say and do amount to a thousand cuts againsting us and represent subserious joy of longstanding genocide against the hawaiian people. Ust a thousand little cuts to our self-esteem, self-identity, cultural - pride, to our souls. Rather than obliterating the people, the culture, just enough slices.\r\n\r\nNobody will come out publicly and say screw hawaiians. That is not politically correct, but you know that many feel this way cultural genocide in unofficial cuts. A slow bleeding to death through -- thousand tiny cuts that no one knows how to stop and nobody would admit to doing. End quote. How long are we willing to bleed out and smile as we die? Nothing about us without us, please pass this piece of legislation for us, with us, and remedy the typo of the extra "must" on page 7 under approval in the last sentence. Mahalo for all you do and happy holidays.\r\n\r\n>> thank you. Questions? Everybody take note of that direction. No questions. Thank you, trinette. Next testifier. >> our next testifier is DR.\r\n\r\nMeredith miller, followed by dwight burns, who will be followed by joselyn costa. >> meredith miller, we can't hear you. Is she muted on her side? D. Miller, we cannot hear you. We're going to have to come back to you. Next testifier. >> our next testifier is dwight burns, to be followed by joselyn costa, who will be followed by pamela tumpap.\r\n\r\n>> he left. >> joselyn costa. >> >> aloha, chair and council members. My name is



joselyn costa, I used to come here a lot and due to covid, I have been absent and still a little nervous standing here. First off, I would like to speak on the bill for the hospital in lahaina. I wasn't going to, but one for one. I want you folks to remember auntie florence mac ka, DECEMBER 2nd, I sat in the backyard in napili, putting together wreaths with her in the afternoon.\r\n\r\nI went back to my home in haiku, on to find out later she had suffered a massive heart attack. By the time she reached maui memorial, she only had a few more moments before she expired. She was a lady of aloha, and lei. I don't know too many people who never received a lei from her. Could have been aflowers, could have ben feathers. So dedicate this to her. Thank you.\r\n\r\nOkay. I'm going to talk about iwi kupuna. I heard the word "vague." and yet, wat we deal with right now is vague. A lot of projects will do testing, 1-10%, which gives developers 90-99% mistake. That's vague. And then they come up with the iwi later on and go inadvertent, let's figure out what we do with them? Move them out of the way.\r\n\r\nI heard the word "annoying." and "injury." this is not just about iwi kupuna. I come from the east end, north shore to east end. I feel the attack coming. The west end and central, I don't know, but the east end, north shore to east end. Every time I see a pile of gravel, if it came from our heiau? One of ther tools of allele that nobody wants to talk about, vague. You dn't want to have to come in front of this council to talk about it.\r\n\r\nWe deserve better. The sunshine law, when they say, you know, what they do, they cut up the landscape. So now even if you have iwi kupuna right here on the boundary, you can't talk about them, because we just drew a line there, and we only talk right here. You know that 1-10% I was talking about? There's nothing there. And the iwi is sitting right here. The heiau is right here.\r\n\r\nAnd that is what we're dealing with right now. It's not just people. It's our entire existence. Everything. So it's serious, you guys, and GOD bless janet six, because as one hau'oli, she is willing to stand up to do the right thing and not jst an hawaiian, but to do the right thing. I know her personally. I have had many conversations.\r\n\r\nI trust her, and I want to put my trust in you. I want to leave you with this thought, I'm with the united church of christ, and we all know what happened in kawaihau church. We all know what happened at the ritz-carlton. The people were saying no more, but we can do it. 900 people later, they go well, I guess we'll talk about it and millions of dollars later, there was an overlay there, what do you think would have happened? Mahalo. Merry christmas.\r\n\r\n>> thank you. Questions, member paltin. >> thank you, chair. I just wanted to clarify that you are testifying in support of bill 154? >> absolutely. >> thank you. >> thank you. For auntie flo.\r\n\r\n>> thank you, next. >> our next testifier is pamelaa tumpap, followed by lahela aiwohi. >> my apologies, am I able to start? >> yes. We do agree and it's important to have a cultural overlay to serve and provide guidance on sites countywide. It's a very valuable tool, but we do have a few concerns about the language in bill 154, that we feel should be further before passage. When to building any additional layers that delay a process can be challenged, but again, looking at cultural site is very important.\r\n\r\nBut we also see when the rules are well-defined and clear, it could expedite the process. Given this, we feel additional work of refining the language in collaboration with the building and construction industry is needed. And we also encourage you to align the definitions in the bill with those used by the state historic preservation division to provide consistency

and clarity. Further, we're concerned the bill gives significant discretion to one sole individual, the county archaeologist. While we understand the county archaeologist is an excellent resource and expert in the field, we feel the bill's parameters that they are meant to follow are very broad. It's not that we're questioning the individual, but feel the parameters need to be tightened and warranted more discussion and more specificity. We also think a review period, and deadline for the county archaeologist should be included, similar to council and planning commission have to follow to keep the process moving forward, and avoid delays.

We understand that they have helped in the area and provided a redlined version of the bill, which we have seen a copy of. In reading that investigation, we see many good suggestions, and our mind, and areas for discussion. Feel that we cannot support the bill in its current form, however we see some improvements in the red lined version that addressed our concerns, and if the bill were sent committee with additional experts to polish the language, we feel we could quickly have a winning solution. Mahalo for the opportunity to provide testimony today.

>> members, questions? If not, thank you pam. >> thank you, aloha.

>> our next testifier is lahela aiwohi. Followed by janet -- >> aloha, chair, aloha vice-chair and council members. Before -- in the last two times I have testified and don't want to repeat myself. This is a bill that we do need a cultural overlay. I'm fully supportive of that. So the intent of the cultural overlay is one that we can fully get behind. What I don't want to see is I don't want to see a bill being put forward and passing and then we'll be repealed due to some negligent of the language.

We want to see something that is passed, that would be able to withstand any legal challenges, that would be able to move forward as soon as possible, because we need that. We need guidance for developers and need guidance for our homeowners, who want to just build, you know, maybe whatever acreage that they have. So when it comes to bill 154, as we have heard from prior testifiers, those in support, and those who oppose, I don't believe there's any one testifier that said this is not a good bill. This is not a good bill and the intent is not good. I believe everyone is on the same page, that we can support a cultural overlay. We see the need for it. We don't want to run into more trouble.

We want to make sure that the iwi kupuna is taken care of. So I do ask that today maybe you do consider -- I know that we sent out a redlined version, like how pam tumpap mentioned from cal chip chase and we met with a couple of council members to review it. I still believe it catches the intent. And if it is something that you would like to continue to sit down and I'm not sure where this will go today? But I do ask that you consider taking a look at that bill again, the redlined version, and passing something that we can all support and passing something that won't have potential legal challenges because as I say, we need the cultural overlays, mahalo, council members for putting that forward. I appreciate the work.

>> questions, member king.

>> thank you, chair. So I just wanted to make sure if you were aware that corp. Counsel did sign off on the bill, and somehow in terms of legal challenges? >> yes, we met with corp. Counsel as well and we did advise -- I shouldn't say advise, but had the discussion regarding the the issues that they do. They did say they would sign off. It was a little challenging of a conversation.

I do believe that they have mentioned that the redlined version is something that is much cleaner, and I guess, I hate using the temple tighter, but cleaner and tighter

bill that they actually agreed with >> thank you. >> I don't want to take that out of corp. Counsel's mouth. If they are on, if they wanted to chime-in, of course, that is pure them. >> any other questions? Vice-chair rawlins-fernandez. >> mahalo, chair.\r\n\r\nAloha, MS. Aiwahi, thank you for your testimony. I have two questions. One, so you said that you don't support the bill, and you thanked member sinenci for putting in the amendment. What is your position? >> not for his amendments. I oppose the bill as written currently, but I do appreciate the time he took, him and his staff, DR.\r\n\r\nSix, to actually put something together, because the intent of a cultural overlay is something that we need. So I support the intent of the cultural overlay. I believe that this can be - - it can be a better bill, and one that can withstand potential legal challenge. >> mahalo. With the corp. Counsel, and you won't put words in their mouth either, but they advise us on form and legality and not policy. We as a council decide on policy.\r\n\r\n>> I understand. >> so many things could be legal, with policy decisions being left up to council. Ory. So the question was do you understand that? >> I understand that completely. That is exactly what they said. That is where the differences lay.\r\n\r\n>> mahalo, MS. Aiwahi. Mahalo, chair. >> anyone else? If not, thank you very much. >> thank you. >> next testifier.\r\n\r\n>> our next testifier is johanna ka'auona, followed by janet six. >> aloha chair and council members. I'm coming before you as a former member of the maui lani'I island burial council, serving two terms. In that time, the issue of not so much the overlay bill, but of having something, a tool, like the overlay bill, became a topic of conversation, especially in the last two years. One of the things we realized as a council was that there were questions that are meant for the kanaka to answer. People, kanaka haven't had the opportunity to talk about these things. So we're here at this point now with this overlay bill, and after lots of conversations, and questions to janet sixing and the council, we realized that the overlay would be the best tool that the council would have in protecting iwi kupuna.\r\n\r\nSo I understand there's objections and concerns to other parties, other stakeholders in the planning process. However, this all began for one purpose, and that was for the protection of the iwi kupuna. Too late, too often, the burial council becomes part of a process, where we can't change can be we can't change what has happened. Disturbance and desecration. We can't stop it, I already happened of the overlay is an opportunity to whoever decides to do any work in the community will have a chance to look and see what's there? The whole idea is so that they won't run into obstacles or opposition while they are going through their process. The hope is that everyone will be well-aware of what's going on, and possibly even be able to work together better.\r\n\r\nThe purpose was to protect the iwi kupuna. If anyone are concerned about the language of the bill, our intent was specific to iwi. so I support the bill. We were unwilling in the beginning, but we finally came around to the idea this is probably the best thing for us. I have to mahalo tanya gregg, who was the first to provide a map of most of maui lani's iwi and because of that, we became more receptive to the overlay bill. Thank you. >> thank you, johanna.\r\n\r\nAny questions, members? If not, thank you very much. Next testifier, please. >> our next testifier is janet six, [Inaudible] >> aloha, janet, you have three minutes. >> I just wanted to jump on, make a couple of clarifications. I heard that burials are subsurface. Most archaeological sites are subsurface, hence the need for trenching and to

clarify, burials are not the only things that are subsurface.\r\n\r\nWe have technology that is not perfect, but work. Other clarification, the principal archaeologist is the county archaeologist. I think vernon was saying to have county archaeologist do the same. They are one in the same. My credentials are broad and works in sites all by invitation. So I have worked in culturally sensitive sites. All the ahu moku councils would be.\r\n\r\nIt was a redundant word added because "proximity" means "close." so the close proximity that people had problems with was from the readilined version. Burials would be absolutely proprietary and not something shared with the public. We went over this in a number of meetings. And in my takeaway from my meeting with lahela was a little different, but I appreciated them meeting with me and making myself available. So I want to put out there if anyone has questions or clarification, I support the bill. I don't think I can say that. That is all.\r\n\r\nThank you so much. >> do we have a question? Members? >> no, chair, just a question for you. If we could ask ms. six to stay on as a resource, when the item comes up, just in case. >> certainly, I don't think that is necessary, honest.Ly.\r\n\r\n>> I am only asking, chair, if anyone has amendments and hasn't spoken with MS. Six, she would be able to properly answer. >> I have no idea when that would be. Would you be willing to return as a resource person? >> absolutely. >> any objections, member members? So ordered.\r\n\r\n>> thank you.>> any questions for the testifier, for clarification? If not, thank you very much. Next two testifiers andphyge testifiers are scott crawford and DR. Meredith miller. Scott crawford. Let's move on to director miller.\r\n\r\n>> DR. Meredith miller. >> aloha, and apologies for the technical issues before. I have been amazed at all of the testimony I listened to today and there's so many important things that I can't speak to except for the hospital. We have lived here one year. so I'm very new. But I have loved maui ever since the first time I set foot on it 40 years ago.\r\n\r\nI just feel blessed to live here, live on the west side and I would like to stay healthy there. There's a great need for any kind of emergency care that there's just no way that you are going to get good care if you have to travel in an ambulance fr at least an hour. I read the letters of opposition that have been posted online. It is striking to me that the arguments opposed are that no other doctors want it there. I as a physician who live on the west side, deeply and truly want at least an emergency medical center there:you can imagine the need for that in terms of trauma, but also there's a lot of people that live on the west side, that live there permanently, are people my age, that is over 65. And the possibility that we would be suffering from strokes, and heart attacks is much higher than in the general, you know, tourist population. And for something, for instance, like stroke, if you don't get treatment within a very small narrow window, you are going to not do very well. And I'm a board-certified neuro pathologist and I have seen stroke cases from the people who have died, with brain infarcks and now there's good treatment, it's very important to me that we have the ability to offer that to all of the thousands of people that live in my area.\r\n\r\nThat's really all I have to say. >> thank you, questions, members? Thank you very much. No questions. MADAM Clerk. >> our next testifier is nolani, followed by scott crawford. >> >> aloha mai kakou.\r\n\r\nI'm noelani ahai and I'm testifying on my own behalf, my own time. I'm here to testify in strong support of bill 154. This billed at this point in time after two-plus years of labor putting this bill together in committee, at this time,

this bill is about kuleana. I would like all of you council members to ask yourself where does your kuleana lay? Is it to the 'aina? The people? Especially the kanaka maoli. Our iwi kupuna, and our culture? Or is it to lobbyists and corporate interests? Because up until two meetings ago, we had zero testimony in opposition of this bill. Zero. This bill is supported by every department in this county. It is signed off and vetted by corp. Counsel. It is lauded by shpd. And the community has been coming out and testifying and working with the committee for over two years to get this bill that we have before us today as written. Suzann Libble from shpd was here yesterday and clarified that the six laws are outdated and don't do enough to protect in advance of desecration, and big-money problems for developers with lawsuits and projects being stopped for years at a time. And I know that is true, because I'm the plaintiff in the lawsuit of Maui Lani, which started in 2016, the lawsuit and we're in 2022. I can almost guarantee that those developers in hindsight would have rather just protected that area, and put it into preservation in advance, rather than spend hundreds of thousands of dollars on legal fees, but the only people that benefit in that scenario, are the attorneys for those developers. And we have some of those same attorneys, who represent developers, who have historically been desecrators, who are trying to influence this council, trying to get you to change the bill after we worked so hard >> can you please conclude? >> I will conclude. This bill as written should be passed today. And the votes of council members today is go tell us exactly where your kuleana lays. Please pass bill 154 today. Mahalo. >> thank you. Any questions, members? If not, thank you. MAY we have the next testifier. >> chair, the next testifier is Scott Crawford. I'm not sure if he is able to get in? >> hello. Aloha, MADAM Chair, and members of the council. I'm coming to you live from the Lahaina Farmers' Market and about to have a thunderstorm here. First off, I just want to say for council member Molina, and council member King, you know, I echo all of the wonderful things that were said about you this morning, and they are in the resolutions, and just really appreciate your service to the community and on the council, and all your support for Hana. I just wanted to share my support for the cultural overlay. I had the benefit of having this come before us on the Hana advisory committee and having a chance to sit through a couple of presentations about it, and learn more about it from the council staff, and DR. Six, and I just support this. I think it's a really good idea to be able to have all the different sources of information about culturally sensitive sites that are aggregated into one overlay, that can really benefit, making sure that the sites are protected and save developers from getting into situations, you know, ahead of time, by having that information available to them. So I would like to urge the council to go ahead and pass it, and you know, if adjustments need to be made in the future, that can be done. But I would like to see it move forward and we encourage you to go ahead and support it today. Thank you very much for the opportunity to express my support, and mele kalikimaka. >> thank you. Questions, members? If not, thank you very much. MAY we have the next testifier, please? >> chair, Scott was the last testifier to sign up. >> all right. >> we have one more. >> do you want to introduce them? >> this would be for Fay McFarlane. >> again, please. >> Fay McFarlane. >> she said have the next testifier go, because she is having trouble unmuting. >> are there any other individuals wanting to sign up to testify? We're getting

close to last call for testimony. MR. Dwight burns.\r\n\r\n>> im here. First, let me apologize for the background noise. That is why I had to leave. I had to pick up my grandsons and babysit. I apologize for that. Testifying on bill 154 and to let council members know, whichever you vote today, you are doing your kuleana, after listening to the previous testifiers. No matter what you decide, you are doing your kuleana.\r\n\r\nThat is the way I see it. But as everybody had said before, I don't like to sound redundant. There are some thing in that bill, and I support member sinenci. You know, i support you bringing this forward, like everybody said. Awesome job, brother. Our kupuna iwi has been desecrated throughout the years. I know firsthand because I work in the industry and I have done tests digging and it's not lke we enjoy that.\r\n\r\nWe're not in nobody's pocket. I'm in nobody's deep pockets. I don't get paid from people to make my decisions and whatever decision I make. As half hawaiian myself, it hurts. We're doing our job. At the end of the day, we're doing our job. It really does hurt.\r\n\r\nAnd not only me, a lot of our operating engineers it does hurt us being coming from the hawaiian ancestral background, an there's full blood hawaiians in engineering. Just to hear what some of the testifiers said that we don't care about our kupuna iwi just, as much as others do. At the end of the day, we do. We care about our culture. We care about our heritage. I'm proud to be hawaiian, just to let you know sorry, I get a little bit emotional, because that is how much it means to me. For me, I see little things that could be touched up on the bill and not just repeating what he everybody else has said.\r\n\r\nI read the bill last night. I mean, again, kudo to, member sinenci, for bringing this forward. This is a touchy subject. Most people would like to stay away from it, but thank you for doing this. I appreciate it. And thank you all again for all your work. Thank you, and sorry, happy holidays again.\r\n\r\nSorry I had to leave, but it was great seeing you all when I was there. Thank you. >> thank you. Questions, members? If not, thank you, dwight. Next testifier. >> our next testifier is fay Mcfarlane.\r\n\r\n>> I kep touching it, but it's not unmuting. >> you are you been muted. >> oh, sorry. Fay Mcfarlane. I submitted individual testimony by writing yesterday. I'm not sure if it popped up in the record, but giving organizationan testimony on behalf of the iwi kupane committee, kupuna. The question what moku or which ahu moku and if anybody has any questions they are free to contact us to find out who is the entity on lana'I, or moloka'I, or maui?\r\n\r\nShpd is aware and county departments are aware, so I don't think that is a real question. These committees have met on the various redrafts, because the legislation changed over a couple of yars. I remember being one of the early testifiers a couple of years ago, talking about our concerns, with concentrating too much power here, or there, or what happens, deadlines are not met? I can say that the current drafted form, which has been updated even and presented as of yesterday, does answer the concerns that were brought forward by cultural practitioners. So just really quickly wanted to offer the support based on the most recent drafts and the most recent meetings that the committees have had to review those changes for ka'aina [Phro -ebg/] Moku, yu heard testimony from moku po'o, who took the time to go down in-person. Mahalo for your time and I won't spend any more of your time today. If anybody needs a list, a comprehensive list of all of the cultural practitioners that serve on the moku committees, we're happy to provide that in writing any time.\r\n\r\nMahalo. >> questions, members? Member sugimura. >> thank

you. I would like to ask for that list. , please, and submit to the council? >> did the testifier hear the question?\r\n\r\n>> to the county clerk or to member sugimura's office? >> you can send it to the county clerk. Thank you. >> thank you. >> anybody else? >> we have one more testifier, calling with last four digits 4337. >> hello. >> hello, state your name.\r\n\r\n\r\n>> this is dave jorgenson, actually I'm in the airport in honolulu. I have been having a heck of a time connecting. I just wanted to, if I can, just briefly make a couple of comments. I am a registered lobbyist. I represent the american resort development association. >> dave, you don't have that to say that any more. What items are you testifying on?\r\n\r\n\r\n>> bill 154. We submitted written testimony and again, I will be very, very brief. We did have concerns about bill 154. I've read a redline version that satisfy the concerns that we had. So I'm hoping that that will move forward with those provisions. I do want to express appreciation to everyone that worked hard on doing that, COUNCILWOMAN Paltin and other people. I apologize for the background noise and being out of breath. That's all I have for now. >> any questions, members?\r\n\r\n\r\nIf not, thank you very much. Next testifier. >> thank you. >> chair, no one else has indicated that they wish to testify at this time . Ian kobayashi is in the chat. >> brian kobayashi. X call him again. >> brian kobayashi.\r\n\r\n\r\n>> brian, ryan. Ryan kobayashi. >> nobody, okay, let's move on. See if there's anybody else? >> chair, no one else has indicated that they wish to testify. We have received written testimony. This is last call for testimony.\r\n\r\n\r\nPlease identify yourself if you want to testify. >> members, any objections to receiving written and closing public testimony for the public hearing? >> no objections? >> no objections. >> okay, why are we having feedback? We're going to take your machine away, MR. Sinenci.\r\n\r\n\r\nOay, s ordered. i will now adjourn the public hearing, and we'll continue on with the rest of the regular council meeting agenda. Any objections? No objections. >> so ordered. Keep in mind that whomever testified on various items, like 154, other bills, or resos