COUNCIL MEETING

JUNE 26, 2013

The Council Meeting of the Council of the County of Kaua'i was called to order by the Council Chair Jay Furfaro at the Council Chambers, 4396 Rice Street, Room 201, Līhu'e, Kaua'i, on Wednesday, June 26, 2013 at 9:03 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable Gary L. Hooser
Honorable Ross Kagawa
Honorable Nadine K. Nakamura
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura
Honorable Jay Furfaro

APPROVAL OF AGENDA.

Mr. Bynum moved for approval of the agenda as circulated, seconded by Mr. Rapozo, and unanimously carried.

MINUTES of the following meetings of the Council:

May 1, 2013 Public Hearing re: Bill No. 2471, Bill No. 2472, and Resolution No. 2013-47

May 22, 2013 Council Meeting

Mr. Rapozo moved to approve the Minutes as circulated, seconded by Ms. Yukimura and unanimously carried.

CONSENT CALENDAR:

C 2013-230 Communication (05/16/2013) from Councilmember Kagawa, transmitting for Council consideration, a Resolution Naming the Softball Field at the Kaumakani Park Sports Complex the "Wally Mito Sonoda Field" in Honor of Wallace "Mito" Sonoda: Mr. Rapozo moved to receive C 2013-230 for the record, seconded by Ms. Yukimura, and unanimously carried.

C 2013-231 Communication (06/12/2013) from Council Chair Furfaro, transmitting for Council consideration and confirmation, Council appointee Althea Kalei Lovell Arinaga to the Kaua'i Historic Preservation Review Commission for the County of Kaua'i *(Archaeology)* – Term ending 12/31/2015: Mr. Rapozo moved to receive C 2013-231 for the record, seconded by Ms. Yukimura, and unanimously carried.

C 2013-232 Communication (06/13/2013) from the Director of Finance, transmitting for Council consideration, proposed amendments to Chapter 5A, Kaua'i County Code 1987, as Amended, relating to Low and Moderate-Income

Housing and Long Term Affordable Rentals: Mr. Rapozo moved to receive C 2013-232 for the record, seconded by Ms. Yukimura, and unanimously carried.

C 2013-233 Communication (06/13/2013) from the Director of Finance, transmitting for Council consideration, proposed amendments to Sections 22-10.2, 22-10.4, 22-10.5, and 22-10.6 of the Kaua'i County Code 1987, as Amended, relating to Dog Licenses and Impound Fees: Mr. Rapozo moved to receive C 2013-233 for the record, seconded by Ms. Yukimura, and unanimously carried.

C 2013-234 Communication (06/20/2013) from Councilmember Hooser and Councilmember Bynum, transmitting for Council consideration, a Bill for an Ordinance to Amend the Kaua'i County Code 1987, as Amended, by Adding a New Article 22 to Chapter 22, Relating to Pesticides and Genetically Modified Organisms: Mr. Rapozo moved to receive C 2013-234 for the record, seconded by Ms. Yukimura, and unanimously carried.

Chair Furfaro: The next portion of our meeting deals with the Consent Calendar. This is a process where we have identified certain agenda items where people may speak in advance. For example, today I think there is an opportunity to speak on two (2) items, one (1) being the dog licensing fee recommendation and the other item that is in there for the Consent Calendar that also deals with the communication on the—I only have one (1)?

RICKY WATANABE, County Clerk: Yes, Chair. On the Consent Calendar, we have item C 2013-230, C 2013-231, C 2013-232, C 2013-233, and C 2013-234, and then we have two (2) people wanting to sign up for the public speaking opportunity.

Chair Furfaro: Thank you. I see it went on to the second page. This is an eighteen (18) minute increment where individuals who want to speak on the Consent Calendar may speak. There are no questions and answers between the Council and those individuals, but this has given specific time for them to testify. May we call up the first registered speaker for the Consent Calendar?

There being no objections, the rules were suspended.

ROBERT CREMER, JR.: For the record, my name is Robert Cremer Jr. My grandson is seven (7) generation here and one side of my family, my mom's side; on my dad's side six (6) generations. I oppose Bill No. 2490. I think it is unfair, unjust, and targeting certain groups of dog owners with this bill. Most hunters would be paying on low average of five hundred dollars ($500) every other year for our dogs that provide subsidy for our families and friends. You may say it is not subsidy because you may not be a part of society that needs subsidy for some of you. Why I say it is targeting certain dog owner groups is that there are two (2) separate prices for licenses; fifteen dollars ($15) for a neutered and spayed dog and fifty dollars ($50) for non-neutered and non-spayed dog. What is the difference between a dog? A dog is a dog. You are trying to tell me that I cannot mate my dog and have puppies with him because he is genetically good for me to go hunting. Wrong. If we are going to have a bill about dog taxes and licenses, it should be fair across the board. If you are going to say about value, then the ten thousand dollar ($10,000) dog that the guy owns should be a higher price paid, like a more expensive house. We all know that most pet owners will have their dogs spayed and neutered. They do not need to have puppies. Most hunters do not spay and neuter dogs due

need in genetics for their working dogs. Most dog breeders do not also. A dog is a dog when it comes to license. If my dog has six (6) puppies, then that is six (6) more licenses that I will have to pay for. By you putting separate fees for neutered and non-neutered dogs, it shows that you are now targeting hunters and dog breeders, like the Humane Society wants to do. Mr. Bynum, I quote you on The Garden Island's Tuesday, June 25, 2013 page. You introduced this bill. You say there is controversy. Why did you bring it to the floor? You do not need to answer the question. It is not a question. I am just testifying. Later you are going to answer questions from me when we go to public hearing. You say that the most likely controversial part on keeping an open mind...

Chair Furfaro: Robert, could you hold on a second? Eddie, would you go out and ask the people in the lower lobby to manage their conversations, please. I do not want it spilling in. You can go ahead and continue.

Mr. Cremer: "I am keeping an open mind," you say. If you are keeping an open mind, then you should have brought everybody that this was going to affect to the floor to talk about this bill before bringing it to the panel and getting first reading on it. That is not having an open mind.

Chair Furfaro: Bob, that is your three (3) minutes.

Mr. Cremer: Thank you. I will be back some day.

Chair Furfaro: Mr. Bynum, according to our rules, I will give you a moment of personal privilege later today.

Mr. Watanabe: Mr. Chair, we have another public speaker who will be speaking on Bill No. 2485, Plumbing Code.

Chair Furfaro: Come right up. One moment please, is the member who was just read present in this audience? Eddie, we are looking for Glenn Ida. He signed up for public speaking. Do we have another member who signed up? While we are calling for Mr. Ida, I believe we have a third member who signed up.

Mr. Watanabe: No, only two (2), Mr. Chair.

Chair Furfaro: Before the next speaker, the Chair recognizes Mr. Kagawa.

Mr. Kagawa: Mr. Chair, I would appreciate it if we could set a rule that we do not clap after every speaker because I think we will be wasting time from other speakers.

Chair Furfaro: Please note, I would like to manage with *aloha*, the decorum of today's meeting, and please, we have a full house and we have a full agenda today including several Executive Sessions later this afternoon. On that note, Sir, you have the floor and you have to introduce yourself.

MICHAEL ORNELLAS: Good morning, my name is Michael Ornellas. I come from Kapahi. This bill about the Humane Society really hurts me a lot because the price of food for my animals—I spend twenty-two dollars ($22) a week to sustain my animals, which I have been breeding since 1980. I bred my own

animals for fieldwork and when I see this thing come about, it interested me a lot because I have animals that are neutered, and those that I use for breeding that are not. Like everybody else in this world, we live paycheck by paycheck. It is hard. Then on top of that, I was satisfied with paying six dollars ($6) for the first hunting dog and two dollars ($2) for the rest. I mean I am not affiliated with the Humane Society in any way. In fact, I have problems with the Humane Society because every time when one of my animals gets lost...it has a tracking collar and an identification collar—when I go in there, they want to chip my dog. My dogs also have tattoos in their ears with my identification in them. Now I heard that the law is that whatever animals come into their facilities, they would put a chip in them. But my thing is, "Where is the freedom in the United States going?" This is only an island in the middle of the Pacific. We are supposed to be able to sustain ourselves. Everybody is talking about sustainability. Hunting in my family has been going on for generations, since I was ten (10) years old. Everything is getting so hard to sustain ourselves upon this land—the mountains, pig hunting, and fishing. Everything is beginning to put a clamp on everything. It is not easy to be sustainable because of all the laws that are being imposed on the local people. It is hard. I cannot afford to be paying that amount of money. I am getting by just the way I am, but I have twelve (12) animals that I run, three (3) of them is for breeding, and the rest is all field dogs. They put meat on my table and for occasions that we help to donate for occasions that people have. That is all I wanted to say. Try to make things easier for us to be sustainable, please. Thank you very much.

Chair Furfaro: Thank you for your testimony. I am going to ask for your *kōkua*. It is going to be a long day. We have a full calendar and we are going to record testimony on a number of things, so please let me ask for us to find ourselves taking testimony, and not responding to applauses or responses from the audience. Is there anyone else that signed up for the Consent Calendar? This is a timing issue, this is not as you come up. When I am finished with the Consent Calendar, I am going to give Mr. Bynum three (3) minutes for personal privilege and we are going to go over some housekeeping rules afterwards.

JAMES TRUJILLO: *Mahalo* for this opportunity to testify. My name is James Trujillo, for the record. I would like to speak on the item Bill No. 2491, the bill related to pesticide and genetically modified organisms (GMO).

Chair Furfaro: Excuse me, the Consent Calendar named some specific items, Mr. Trujillo. Everybody is in line for that. The non-Consent Calendar items are listed and do you know what item of those seven (7) you want to testify on?

Mr. Trujillo: I thought that was the item I was going to be testifying on?

Chair Furfaro: No.

Mr. Trujillo: Okay, then I am confused about what the...

Chair Furfaro: Let me go over the rules for everybody again.

Mr. Trujillo: Thank you.

Chair Furfaro: We have a specific section of agenda items on a Consent Calendar. The Consent Calendar is given an opportunity for people to spend three (3) minutes to speak on any of the items on the Consent Calendar, not on the entire agenda

Mr. Trujillo: I am sorry, that is where I was mistaken. I thought it was any item on the agenda, so I will just wait for later.

Chair Furfaro: You are signed up for that item?

Mr. Trujillo: Yes, I did sign up.

Chair Furfaro: Thank you.

Mr. Trujillo: Well, I do not know actually. I thought I signed up to speak on one (1) item for today's agenda.

Chair Furfaro: What item did you sign up for, if it is on the Consent calendar?

Mr. Trujillo: I did not know there was such a thing called the Consent Calendar.

Chair Furfaro: There has been for over a year now. I will let you move on.

Mr. Rapozo: Mr. Chair, actually on the Consent Calendar, there is C 2013-234, which is the communication that is introducing the bill. You may want to speak on that. That would be the communication from Mr. Bynum and Mr. Hooser.

Mr. Trujillo: I appreciate the clarity, Councilmember Rapozo.

Chair Furfaro: You still have to be recognized by me. I think it would be great an injustice here if you are going to give specific testimony on that bill, there is almost one hundred twenty-one (121) people signing up for that today. Okay?

Ms. Yukimura: Point of clarification, Chair.

Chair Furfaro: Point of order, we are in recess.

There being no objections, the meeting recessed at 9:18 a.m.

The meeting reconvened at 9:19 a.m., and proceeded as follows:

Chair Furfaro: Jimmy, let me go back here. For everybody in the audience, make sure we understand. I think we have one hundred twenty-one (121) people who want to speak today. We have the Consent Calendar which is only the communication going over. We have specifically eighteen (18) minutes for it. Whether you understood the rule or not, my interpretation from the attorney is that you can speak. It is limited to three (3) minutes and when we run out of eighteen (18) minutes for today, we will go back to the other portion of the

regular agenda item, which I can announce to everyone today, because of our agenda, we will only allow first time speakers three (3) minutes. In the Consent Calendar, you only get three (3) minutes. Let us start now.

Mr. Trujillo: Thank you, Council Chair. Thank you, members of the Council, to allow me to testify in support of this bill, that the item—I would like to present for the record, a petition that the Kaua'i Beekeeper's Association has been gathering signatures. There are over six hundred (600) signatures in there and some information for you as well in regards to pesticides, pesticide use, and some of the issues that we are facing regarding the...if you will the potential lethal conflict between pesticides and pollinators that across the globe, we understand better and better. Our pollinators and specifically for us here with the Kaua'i Beekeeper's Association bees are at risk from accidental overspray or over drift, accidental exposure to lethal and nonlethal doses of pesticides. I wanted to present that petition. I communicated with you all previously, unbeknownst to me that this item was coming up so soon. I would like the opportunity to talk about beekeeping and about we as a County and community can do at a local level to support beekeeping, beekeepers, and bees—most importantly pollinators. As you all know, pollination is a critical thing for agriculture. Without pollinators, we do not have the food production that we would need to sustain ourselves, nor to have a viable, vibrant, economic, and agronomic culture here on Kaua'i. With that, I have said plenty. I appreciate the opportunity to speak in front of you and present that information. I have one (1) thing that I would like you to consider in supporting this bill, which is making an amendment that deals with Section 22.4, regarding notifications and buffer zones. I would appreciate it greatly if we could consider adding "notification of local beekeepers with in proximity to areas that would be sprayed with chemicals and pesticides specifically elsewhere in the United States that is a practice to safeguard beekeepers, safeguard pollinators, and to prevent the accidental exposure to pesticides to (inaudible). Thank you so much.

Chair Furfaro: Jimmy, I want to share a couple of things with you, so the group understands.

Mr. Trujillo: Absolutely.

Chair Furfaro: The discussion today is not about amending the bill. The discussion today is about a first reading.

Mr. Trujillo: Terrific.

Chair Furfaro: If the bill then gets the support, it will go into a committee, of which then at that time, testimony will be taken about the contents. The reading today for first reading is simply if we are moving it forward.

Mr. Trujillo: Terrific.

Chair Furfaro: The other item is that I met with you separately on the beekeeping issues. We have been in contact with Dolby from Hawai'i island. Hopefully, we will have a new agenda item about the beekeeping issues in August. I am in contact with her as I told you I would be.

Mr. Trujillo: I appreciate that Chair Furfaro.

Chair Furfaro: Thank you. Anybody else signed up at this point?

Mr. Watanabe: No.

Chair Furfaro: Okay. I will now ask is there anyone signed up for other items on the calendar under the Consent Calendar?

Mr. Watanabe: Mr. Chair, we just got another one right now. It is on Bill No. 2490, regarding dog licenses. Robert M. Hamada.

Chair Furfaro: Okay. I will take a moment to go over a few other housekeeping rules, so everybody understands. I have set up the lower area, where the television closed caption, as well as seats to understand our need to apply the Fire Code to this building. When I see more than ten (10) people standing, I will call a recess. If there are open chairs, please find the chair because that is the way I am keeping track of Fire Code. For all of you that have not signed up and wish to speak on anything today, the sign up list is downstairs in the lobby. Take Mr. Hamada to the speaking chair. Bob, I am delighted you are here today. You are one of our living treasures here on Kaua'i with your woodwork. You have to introduce yourself.

ROBERT M. HAMADA: I am against any interference with the present setup that we have with the Humane Society dog techs. It is very difficult for me to do it in three (3) minutes, but the thing that we do not even think about is that in an event that we have an invasion of our Country, and if it comes from the Asiatic countries, the most likely place that they will land will be on Kaua'i. Hanalei is a perfect area because you see, I have two (2) ways of covering the island. One (1) is the main highway, one (1) is the loop road. The first line of defense in that case besides the police and the military, whatever military we have got here, will be the hunters. These people are in top condition. They are in good shape and they know this island like the back of their hand. They have hunted every inch of this island. You cannot get a better person than a hunter—he or she. They have lived here. They have gotten to such an extent where everything is the way it is because of the dogs. They keep dogs for hunting. The quality of dogs is unknown to most of you people because it is so valuable that they try to keep it within the family group. You never see a big, fat hunter. You always see them lean. These are the people that are able to travel throughout Hanalei town and the Nā Pali area. I have known of a friend of mine that followed Masao Okamoto on a mule because he loved to hunt so well up the entire Waimea Canyon on foot and back. They hunt up in Mokihana. These people are in top shape. They are also highly equipped...

Chair Furfaro: Mr. Hamada, I have to tell you your time went off, but please summarize.

Mr. Hamada: They are highly trained. Most of the present people are ex-military veterans and they know what the military has. Excuse me, I have to find the page that is of great value to this talk. What you are looking at here is a Remington ad. It says five million (5,000,000) Model 700 Bolt Action Rifle sold in the United States, and some of these rifles on Kaua'i. Now you put one of these in the hands of a hunter, who is in top shape, and knows the country so well—these rifles will shoot minute of an angle. That means one inch group of five (5) bullets at one hundred (100) yards. Now you take away the dogs from these

hunters, in time you will not have hunters on the island. You will have big, fat, sunbathing, loving people on Kaua'i, and nobody to help the military or the police. You may think it is almost impossible, but everything is possible.

Chair Furfaro: Thank you, Bob. Thank you very much.

Mr. Hamada: Thank you.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: That period of the Consent Calendar is now *pau* and I am going to recognize in Mr. Bynum. You have personal privilege.

Mr. Bynum: Thank you. I wanted for those of you who came to testify about the licensing fees for dogs, I wanted to explain that this bill is from the Administration by request. The way our Council Rules work is that the Administration can put bills before the Council, but they have to go through a Councilmember. Because I am the Finance Chair and this is a bill about changing fees, that comes into my Committee should it pass first reading. This is not my bill. I have not made any determination about whether to support it or not. I just want to clarify our rules. This is first reading. Then it will go to public hearing. The bill comes from the Administration who I believe worked with the Humane Society, but I did not author the bill. Thank you.

Chair Furfaro: Thank you very much. Okay. We have a series of activities today on our calendar. I will do more housekeeping after I introduce the next item. We have a communication and a visit from Robert Gaines and Mary Cronin of Smith Dawson & Andrews, which is Kaua'i County's Lobbyists in Washington, to make a short presentation this morning, along with the Mayor's Administrative Office and Managing Director, Mr. Heu. May I ask for a motion?

COMMUNICATIONS:

C 2013-235 Communication (05/29/2013) from the Mayor, requesting agenda time for Washington D.C. consultants Robert Gaines and Mary Cronin from Smith Dawson & Andrews, Inc. to present a recap of the services and activities they provided to the County of Kaua'i during the past year as part of their Professional Services Contract: Mr. Rapozo moved to receive C 2013-235 for the record, seconded by Ms. Nakamura.

Chair Furfaro: Thank you. There is a motion to receive and second. The rules are suspended. Please come right up, Mr. Heu.

There being no objections, the rules were suspended.

GARY K. HEU, Managing Director: Good morning, Council Chair Furfaro and Councilmembers. For the record, Managing Director, Gary Heu. Thank you for this opportunity to present. We know that your agenda is very full so we will attempt to be brief. We did not realize that there would be so much interest in this presentation, but nonetheless, I have two (2) representatives from Smith Dawson & Andrews here this morning. They are our consultants in Washington, D.C. To my far left is Robert Gaines. I think he also goes by Bob. He is a partner and a Director with Smith Dawson & Andrews. To my immediate left is Mary Cronin.

Her title is Managing Director. We are not interchangeable. While she could probably do my job, I certainly cannot do the work she does in Washington, D.C. Before I turn the mic over to Bob, I think we talked about this a little bit during the budget process, relative to how the landscape has changed relative to funding coming out of Washington, D.C. As you folks know, and I am sure as the public is aware, the earmarks as we knew them are a thing of the past at this point in time. We are currently in an environment as we seek funding out of Washington, D.C., where we primarily rely upon grant opportunities. Now that has been a major shift for everyone around the country, and obviously for us here at the County of Kaua'i. As there are a lot of grant dollars out there to be had not only by State and local governments, but by community groups and non-profits. The issue that we are facing in this transition period is that we have a need. We have a need at the County, and there are grants out there. Sometimes the need that we have does not fit really neatly into the grant opportunities that are out there. It takes additional work and due diligence on our part and that is where Bob and Mary come into play. In the past where there were earmarks, if the County had a need and when we did have a need, we would go to our Congressional Delegates and say we have this need, and that very specific need could be met through the earmark process. I just wanted to kind of lay that out as kind of framing part of the discussion this morning, and the very important role that both Bob and Mary play for us. We are very happy to have them on board, and it has been a real learning experience for all of our folks within the County. I think we are more and more starting to get it because it is a whole different game for us. I am confident that with the help of Smith Dawson & Andrews, that we will be successful in more of these grant opportunities. At this point in time, I would like to turn the mic over to Bob Gaines.

ROBERT GAINES, Consultant, Smith Dawson &Andrews: Thank you very much, Gary. Chair, members of the Council, as Gary said my name is Bob Gaines. It is the first time anyone has ever asked me to speak up. Council members, is that better? Can you hear me? I will speak up. Briefly, Smith Dawson & Andrews has been in business for more than thirty (30) years, which in Washington, D.C. is pretty much an accomplishment. We started back in 1981. We have fifteen (15) professionals in our D.C. Office, we also have affiliate offices in San Francisco, Chicago, and the Commonwealth of Puerto Rico. We focus our attention on issues that affect counties and cities. Primarily, we represent private sector clients as well. Our focus is on municipalities is on public safety, transportation, infrastructure, land use, housing, and other aspects that affect county and city government. Over the past thirty (30) years, we have amassed for on behalf and working with our clients, several billion dollars in appropriations, authorizations, and regulatory relief. Since 2012, as you know and Gary just mentioned, the landscape has changed but in 2012, we helped our clients achieve fifty million dollars ($50,000,000) in grant and discretionary funding. We have excellent expertise in grants, soliciting grants, and working with our clients to achieve and be successful. As Gary mentioned, the landscape has changed significantly in Washington. There are no earmarks and sadly, Senator Inouye has passed away and that is a double whammy for the State of Hawai'i and for this County. Therefore, the efforts that we have focused on now are to help the County get involved in the grant process. That has been a learning experience. We have focused our attention on grants that the County can achieve, and working with the various departments within the County in helping them understand the process. Some of it is very detailed and Mary will elaborate on what we have achieved in the last year or so. I just wanted to mention also that we have in the past thirty (30) years—you cannot stay in business in you do not work both sides of aisle. We have excellent contacts with both Republicans and Democrats, and have been through

every combination of Executive Branch and Legislative Branch that one can think of. We also have excellent contacts and have been very successful in working with the Obama Administration, having represented several clients in Illinois prior to the President. He of course was a Senator from Illinois, so we have had a working relationship with him and his office before he ascended to the presidency. We continue to use those relationships to the best of our ability and to our clients' successes. Over the years, because of the clients that we have throughout the country, we have relationships and have been working with the National Association of Counties (NACo), United States Conference of Mayors, National League of Cities, and one of our clients that we represent is the National Association of Foreign Trade Zones, for whom we have represented for more than twenty (20) years. We have a broad plethora of experience. I will now turn the mic over to my colleague, Mary Cronin, to discuss in some detail what we have been doing with Kaua'i for the last year.

MARY CRONIN: Thank you. As Bob alluded to, since July of 2012, when we began providing consulting services for the County, we have focused the County's Federal agenda and advocacy strategy on protecting Federal programs of primary importance, and to aggressively distribute and respond to Federal and non-Federal grant opportunities. We have identified Federal opportunities on behalf of the County of Kaua'i by matching Federal and private grant opportunities with the County's initiatives. We began this process early on, but I actually came out and visited in October of 2012 and I met with every single one of the Department Heads. We established relationships right off the bat so that we would be able to help the departments and the staff to identify their department goals, as far as their Federal funding needs, so that we would be able to directly and individually route them Federal funding sources from regular agency grant programs and nonFederal foundation grant programs to new legislative authorizations and reauthorizations of existing legislation. We have sent the County departments and those predetermined staff within those departments over two hundred (200) grant announcements. This is just an example. This goes back to November of 2012. This represents every single month since then in all of the announcements that we have sent out with a note saying that we might recommend that the County apply for funding for whatever the particular initiative is that we identified would be most closely in line with one of these grant opportunities. We have also conducted conference calls with the County staff regarding these opportunities and offered them advice, regarding ways to make their applications more competitive and successful. We have secured letters of support from the Hawai'i Congressional Delegation and we have coordinated and participated with County staff and Federal officials in reviews of County grant applications, so that everybody could work together to revise the applications to make those necessary changes. If the County elected to reapply, they would be more successful and more competitive. In addition to securing those letters of support and making sure that each application considered all of the criteria that were necessary in checking off all of the boxes. We helped the County Housing Department, the Fire Department, the Police Department, and other departments including the tourism office, which we are working with now to secure Federal grants. We worked very closely with the Housing Department to secure a grant for six (6) days of technical assistance for one of their initiatives. An example of some of the work that we provided, is we actually worked to revise some of the language that was written in the application and also made contact with the Federal Grant Administrators to make sure that everything was included in that grant that needed to be in order to be successful. It was a success. We also worked very closely with the Federal Emergency Management Administration (FEMA) and the Fire Department here on Kaua'i to acquire a

valuable review of an unsuccessful application for funding additional positions within the department. FEMA provided feedback and advice that may prove to be invaluable to a successful application if the County elects to reapply. I learned yesterday that the County is going to reapply and they are going to consider and make use of those recommended changes that FEMA suggested. We also assisted the County Fire Department in their Assistance to Firefighters (ATF) grant, which ultimately was funded in the amount of four hundred ninety thousand dollars ($490,000). We worked very closely with the Hawai'i Congressional Delegation to keep them informed of these particular applications and keep them engaged in the process, so that they would serve as a supportive role. In May, we worked very closely with the Police Department to assist them in applying for two (2) Federal grant opportunities through the Department of Justice. We made regular contact with the County staff to ensure their needs, questions, and concerns were addressed and we discussed the application and the process with the Federal Grant Administrators to ensure that we covered, as I said earlier, all the needed criteria and any additional key points. We assisted the staff in reviewing and revising the grant applications to make necessary changes so that they would be successful. Again, we secured the necessary letters of support from the Hawai'i Congressional Delegation. The awards will be announced in September.

Currently, we are working with the Tourism Department in applying for a Cultural and Historical Planning Grant. We will go through the same process that we have gone through with other departments that have really taken advantage of our expertise. Further, we are in the process of arranging a number of conference calls with various Federal agencies including the Department of Energy, the Department of Transportation, the Department of Housing and Urban Development (HUD), the Environmental Protection Agency, and the Department of Agriculture, as well as the Economic Development Administration, to discuss the County's initiative and to receive recommendations from them on some possible funding mechanisms. It is very important to build and maintain those relationships with the Federal officials within these Federal agencies.

On the policy side, we have partnered with the County to identify key policy issues and critical legislation and regulations. We provide regular legislative updates to the Mayor's Office. We also ensure that the County is well positioned to weigh in, when the need arises, on various legislation or reauthorizations of existing programs. For example, when Congress debated eliminating the tax exempt nature of municipal bonds, we ensure that the Finance Department sent a letter to the Congressional Delegation asking them that they ensure that this does not happen, that they do not eliminate this tax free exempt nature. It is not something that has moved any further since last December, but if there should be a tax reform bill in Congress in the next year, it is possible that change to the cap on municipal bonds or possibly eliminating that tax exempt nature might come back because it would be a way for the Federal government to find an offset or a way to pay for a particular program. Finally, Smith Dawson & Andrews (SDA) assisted Mayor Carvalho in his January visit to the United States Conference of Mayors. We took him in to see each one of the members of the Hawai'i Congressional Delegation to talk about the County's priorities, and we provided him with consulting on his key messages for those meetings. The visit provided an opportunity for us to develop a solid relationship with the Mayor, and to help the Mayor in further developing the County's Federal agenda. We also offered to assist a Councilmember who attended the NACo visit earlier this Spring. We continue to meet with each one of the County departments while we are here this week, again, to reevaluate where we have come in the last seven (7) months, which I am really pleasantly surprised to

see that everyone has made progress within each one of the departments. Everyone is aware of all of these Federal grant opportunities and nonFederal opportunities that we have sent their way. They are all trying to find ways to make these projects happen through these Federal funding opportunities. It just takes a little bit of time and some persistence to be able to tweak or make these existing initiatives fit some of these opportunities. Thank you for the opportunity to present to you today. Bob and I will be happy to take questions, if you have any.

Chair Furfaro: First of all thank you very much, Mary, for your presentation. I am going to recognize Mr. Bynum. You have the floor.

Mr. Bynum: Good morning. It is nice to meet you. Mr. Heu, can you tell me what the Council's involvement was in the selection of these vendors?

Mr. Heu: We had a Council Staff member on the selection Committee. There was a selection Committee of three (3) individuals.

Mr. Bynum: I am sorry, I cannot hear a word you are saying.

Mr. Heu: There was a selection Committee of three (3) individuals and one (1) of those individuals was a Council Staff member.

Mr. Bynum: Who was the Councilmember involved?

Mr. Heu: There were no Councilmembers involved on the selection Committee. There never has been.

Mr. Bynum: I am going to make some comments and ask a couple of questions and I am going to be quick because we have an incredible day here. It is nice to finally meet you. You have been on the County payroll for a year and I want to hear more about what your engagement with the County Council has been. I have never talked to either of you. I have never received an E-mail or have been given any alerts and never asked to write a recommendation or letter of support for a grant. Let me back up before I ask that question. Just real briefly Gary, I am really concerned because I have been here eight (8) years. When we came on board we had a D.C. Lobbyist that the Council had never met. Ron Kouchi was our Chair in charge of Government Relations and he worked very assertively with the Administration to select our next lobbyist, the Ferguson Group. The whole Council was involved in that process. The Ferguson Group reached out to every Councilmember, gave us quarterly updates, and frequent discussions on the phone and E-mails. When we were in D.C., we met with them. I felt we were engaged active partners and that was during the American Recovery and Reinvestment Act (ARRA) time. I was very happy with their services because that was a collaborative effort and that was the year that the Council and Administration all worked very effectively together. All of a sudden, the Ferguson Group was gone and the funding was gone with no explanation ever given to me, but there was an agreement from the Administration that we would involve collectively and we would collaborate on these lobbying efforts, both at State and Federal levels. I have not seen any of that happen this year on the State or Federal or local level. As I said, I am a Councilmember here and Finance Chair, and I have never met you guys. Why have you not done outreach to the County Council? Is it just me that has never met you and you have been working actively with my colleagues or what?

Mr. Heu: Councilmember, I will take that question because I think your concerns and questions are addressed to the Administration rather than the consultants.

Mr. Bynum: I think it is both. I cannot imagine that you have been here a year. I want to know what engagement you have had with the Council, any Councilmember?

Mr. Heu: As I stated earlier, as you folks know, the landscape has changed. Primarily, what we are doing—our primarily engagement with Smith Dawson & Andrews is to seek out grant opportunities and to act upon that. I do not believe that is a function of this particular body. It is not to say that we should not be communicating, and that is part of reason we are here this morning. They have only made two (2) trips to Hawai'i. This is their second. Their first trip, they could barely get through meeting all of the Department Heads and having those discussions to understand the functioning of County government in terms of administratively. I mean we are...

Mr. Bynum: May I interject?

Mr. Heu: Can I just finish?

Chair Furfaro: Mr. Heu, you have the floor. Please finish.

Mr. Heu: We are the branch of government that has the responsibility for seeking out these funds. If I am incorrect and if in fact, the Council also has the ability to write for grants and seek those funds, then I stand corrected, and we will make the necessary adjustment.

Mr. Bynum: Gary, you have been here throughout this history. There was a strong commitment from you to engage with the Council in these efforts. I have not seen that in the last year. I am still not aware—we are one (1) year—this is nothing personal. You guys may do an outstanding job. I do not know because I have never met you, because you have never engaged—we are the body that approves grants. When I went to D.C. in the past, I have been to workshops, I found out about grants, I met with our Department Heads, lobbied for those grants, and I have been actively involved. I have not had that opportunity, Gary, because we have not had the kind of collaboration on these efforts that we need to have. Going forward, we need to fix some things. We do not have time today. I could ask very detailed, specific questions about their efforts and I would like to—not today, because we do not have time to do that. I have real concerns about how the recent selections were made, the lack of involvement of Councilmembers, and the lack of engagement of the Council for us supporting your efforts. We want to support the departments and your efforts, but if we do not know what they are—and you talked a little bit about policy. I just went to training about Government Finance Officers Association (GFOA) and municipal bonds. I know how important that is. Who makes those determinations about which policies we are asking you to track? I think the legislative body should have some say about that. We are paying the bills. We have an interest, just like the Administration. We have different roles, but we, as far as I know, have not been engaged significantly for the last year and a half, ever since the Ferguson Group went away without explanation. I was really happy with them and to this day, I do not know why the Administration chose to terminate that contract.

Mr. Heu: It is part of the procurement process. We have to go out and solicit responses. It is not as if others have not applied for this contract; they have. We have a selection Committee of three (3) representatives, one (1) of them is a Council Staff member, and they go through the ranking process and make a selection. It is a competitive process and we are mandated to do that by law.

Mr. Bynum: That is the selection process.

Mr. Heu: Yes.

Mr. Bynum: Now we have had a vendor engaged for a year. That is the one (1) question I would like to ask you. What involvement have you had with the County Council in the year you have been our lobbyists?

Mr. Gaines: Councilmember, I will address that. Sadly, your point is well made. We have not had contact with the Council. We have had contact through the Administration. The contract we had was with the Administration. We deal with Councils all the time with a lot of our clients. Moving forward, if you want to be briefed on the grant announcements that we submit, the monthly reports that we submit—and we do every month, we will be more than happy to do that. In addition, Councilmember and Council in general, we will make another trip back here to sit down with each one of you and work through what you believe and what you need to feel comfortable with our services. We will move forward, starting today, to include—we will get all of your E-mails and include you on all the data and information that we sent. If you would like, we will go back and resend all two hundred (200) grant announcements. I am just offering whatever service you wish. Moving forward, we will send you the monthly reports that we send and we will keep you abreast of what we need to until we can sit down with you, and find out what you would like to see as a coordinated effort so we can get as much funding for this County as possible.

Mr. Bynum: Thank you. I appreciate that commitment. This is where we should have been already. Again, other than the fact you have been on a year and did not think it was important to engage the Council, I am concerned about that. But other than that, this is about the Administration following through with their commitment to collaborate on these issues. These are critically important issues for the County to be there at the right time. That is why we need you or someone like you in D.C. that has heels on the ground. The year it was collaborative, Gary, was our best year. We got major ARRA grants and some of those grants were identified by Councilmembers who were aware of this because we work really hard too. I am done. Thank you.

Chair Furfaro: Mary and Mike, first of all, I want to thank you very much for your offer. It is much appreciated. I think Mr. Bynum has made the point for the body. I met you for the first time yesterday on your call over to the Council. I was very glad to have the discussion that I did with you. I am happy to hear your commitment going forward. I also want to say that I do not think it is necessary to retransmit to us all of the grant material. It is now in the Administration. On that note, I will recognize Mr. Rapozo, followed by Vice Chair Nakamura. Thank you.

Mr. Rapozo: Thank you, Mr. Chair. Thank you for being here. I will say that I do not have as much concerns as Mr. Bynum does. I have spoken on several occasions with Mr. Heu about the lobbying effort and have been very satisfied with the responses from Mr. Heu. At any given time, on any given day, any Councilmember can pick up the phone and call you or call the Administration. I appreciate what you folks have done. I understand in the past that we had a different contractor/consultant. I too, miss them, but I have no reason to believe that you folks are not doing your jobs, but I do have some specific questions that I think is important. Number one (1), how many grants have we been successful at this past year in dollars? I do not know if you have that available. If not, if you could provide that. The other question—you talked a lot about the tourism department that you are working with the tourism department. Which department specifically is that? Is that our—because we do not have a "tourism department." We have an Economic Development Office. Are you working with the State's Tourism Office? I just want to make sure we are not paying you are and you are serving the State. That is my concern.

Mr. Gaines: No, that is not.

Ms. Cronin: It is the County's Office of Economic Development and it is the staffer that provides work on tourism issues.

Mr. Rapozo: Okay. That is good. I just wanted to make sure because the State should be paying us, not we paying them. Then the policy initiatives that you talked about— I am not sure which policy initiatives you folks worked on with our Administration this year. Is that something you could provide?

Ms. Cronin: We have not really focused on individual policy issues because that was not really what we were hired to focus on. We were hired to focus on Federal grant opportunities. Over the course of the year, there have been a few big issues of concern, particularly that revolve around County finances. As I referenced the issue with the municipal bonds was one I felt should rise to the level of attention and it happened while we were here. When we were here in October, the municipal bond debate was the debate of the particular week, so we ensured that we were able to get a letter to the Finance Department...a draft letter out to the Congressional Delegation on this particular issue. Otherwise, we report on various issues happening legislatively, policy wise, every reauthorization or major debate happening in Congress, we write about that and I actually send a report weekly on legislative issues. We are not actively, necessarily lobbying on policy concerns at this point in time.

Mr. Rapozo: Okay. You brought it up in your report, policy initiative. That is why I asked about it. I was not sure. You guys are probably much more expensive than Gary is per hour. I would appreciate, Gary as we move forward, as you or the Chair sees fit or if a Councilmember has a specific request, that you could provide an update for us on the floor just so that we are kept abreast. The municipal bond issue, obviously we all part of NACo, it would cripple this County. It is not an exaggeration. I think you guys are well aware of that and the most focus going forward needs to be put in that area because the whole Country is concerned. The smaller municipalities like ours really cannot survive if you lose that tax exempt status. I would appreciate you guys being on the forefront of that. I would appreciate personally that if anything changes in that area, that we would be notified. I am sure you already notified the Administration and maybe this is more for the Administration than you, but if we could be notified as well.

Mr. Gaines: Councilmember, since we are moving forward to advise the Council on these issues, we will do that to all members of Council, as well as yourself, by providing copies of our reports and if things begin to really get hot in Congress on this particular issue, we will make a note to make sure that you are advised.

Mr. Rapozo: More importantly, of what we can do.

Mr. Gaines: Of course.

Mr. Rapozo: We get the NACo newsletters. We get all of the templates that we can just fill in the blanks, hit "send," then it goes to the delegates at the Congress in D.C. If there is something else that we can here as a County or a State association that can help that effort because it is probably the most critical issue right now.

Mr. Gaines: In the interest of time, Chair and Councilmembers, we will reach out when an issue that directly affects the County, regardless of any other County in this Country, that affects this County, we will reach out and ask for your support and make suggestions on how we believe that you can directly influence what is going on in Congress because you reaching out to your delegation is far better NACo reaching out.

Mr. Rapozo: I agree.

Mr. Gaines: NACo can help and NACo is good on policy, but when it comes to where the rubber meets the road, if you collectively do not take the time to reach out to your delegation, it is not going to be important to them. We do not want that to happen.

Mr. Rapozo: Thank you. That is all I have, Mr. Chair.

Chair Furfaro: Before I recognize the Vice Chair, I just want to point out our structure to you a little bit. Mr. Bynum, who spoke earlier, is in fact, our Chairman for Finance...very important item for—especially the grant issues and so forth, as we put items on the agenda. Mr. Hooser is the head Chair or the Manager of the Committee that deals with our State Intergovernmental Relations. Then of course, Mr. Rapozo, who in fact, is our representative to the Hawai'i State Association of Counties (HSAC). He is the representative from Kaua'i. Amongst those colleagues, he was elected as President of HSAC, so these are the gentlemen that I depend on bringing interesting items to the table so we can agenda them appropriately. I just wanted to point that out. Vice Chair Nakamura, you have the floor now.

Ms. Nakamura: Thank you for your presentation. I think it is good to hear the focus on grant writing and trying to bring additional outside revenues to this County. I wanted to ask a follow-up question on the Cultural and Historical Planning Grant. I am glad we are pursuing it. What is the source of the funding?

Ms. Cronin: It is the National Endowment for the Humanities. I do have a copy of it here and if you would like, I can leave it for you.

Ms. Nakamura: Thank you. I also wanted to get your feedback on—we can identify these grants and we can throw them at the departments. What is your assessment of our capacity to apply for these grants? What have you observed?

Ms. Cronin: I have observed that it is a challenge. Every department, I think is stretched thin, just in my opinion, as far as having the opportunity or the capacity to be able to take time out of their regular daily schedules to actually write a grant application. As you know, these grant applications are quite extensive and you have to pay impeccable attention to the details and requirements in those grants, so that is where we come in to help. Our assistance includes helping them acquire the necessary materials that make up the grant to reach out to the administrators of the grant at the agency level and ask them, "What do we need to make sure we include in the grant? What are some of the key points or key buzzwords? What else can we do to enhance this so that we can be more successful?" We gather that information and collect the intelligence, and then bring it back to the staff here to say, "Make sure you do this and this and this." Then we have offered and done this on several occasions, to review the grant and to make suggestions, to rewrite paragraphs on the actual application itself, and to draft the letters of support, so that the staff does not have to draft the letters of support, either at the County level or at the Congressional Delegation level and provide those so that they are teed up and ready to go. Back to your question, I am sorry—it is a challenge, but I have seen some progress since I was here in October.

Ms. Nakamura: I think it would be useful as we have this dialogue to understand where we need to beef up our grant writing capacity. If we do not invest in the personnel who have the skills to do it right, then I think we are losing out on possible outside funding. I think it would be good to get recommendations based on your observations at the end of your one (1) year period with the County. Is that possible?

Ms. Cronin: Sure.

Mr. Gaines: Yes, that is possible.

Ms. Nakamura: Okay. I also think we need to have a discussion with the Administration about how we prioritize the issues that we want to have our consultants work on and focus on, and then what the nature is of that, once we identify those priorities. There are so many Federal issues that affect this County. We have NACo and we have our delegation, so what is our process for first identifying those issues and then identifying the strategy to address those issues? I am sure this is something that probably makes sense to happen in Gary's committee, so I think we need to articulate what that is. I am not real clear what that process is.

Chair Furfaro: On that note, I want to remind everybody that we need to take a break at 10:20 a.m. Mr. Hooser, you have the floor, and then Mr. Kagawa, you have the floor.

Mr. Hooser: Thank you, Chair. Thank you for being here. I want to just echo Councilmember Bynum's concerns for a little bit. Your answer was good so I appreciate your commitment to future communications. The points that I want to ask about are specifically—I think for lots of us, it is near and dear to my heart, so in terms of policy, I am most interested in preemption issues. We are

not able to follow the Federal process, so it is possible that when issues come up that would preempt the County's legislative authority or legal authority on anything from agricultural to health to whatever, that we possibly be given a head's up on that? At least at the minimum a head's up, so we can then engage the process. I do not know what your contract is with the County, but if you could do that, it would be good.

Mr. Gaines: If I may answer that, Council Chair, Councilmembers, our contract with the County is to focus on grants. We would be shirking our responsibility. It is not a fine line—as you know in this business, it is not a black and white issue and not a fine line. We would be shirking our responsibility if we did not come across or see an issue that would impact the County. To answer your question, I do not believe that alerting you and the County as we learn about policy issues that are of concern to the County, as you just articulated, that it would be improper for us to alert the County. It is very similar to the municipal bond issue that we happened to come across. We could have technically just closed our eyes, but we have done it for thirty (30) years and we have been in business because we service our clients. If we go above and beyond it, well shame on us. We can assure you that once we understand better the policy concerns of this body, we will begin to monitor it and we will continue to monitor them and monitor them more closely and alert you to the coming storm, if there is one.

Mr. Hooser: Okay. I appreciate that.

Mr. Gaines: Even before the storm, when there is a little rain, we will let you know.

Mr. Hooser: Thank you very much. In terms of grant opportunities and funding requests, I have a particular interest and I think the County does in a project that you may have been briefed on; the Coco Palms property. I met with Senator Schatz specifically on this and I understand that one (1) of his priorities is going to be seeking funding for parks, land acquisition, land preservation, coastal area, access, and preservation. If you find those kinds of opportunities, if you could please send those forward, and work with the Administration on those particular things, and also in particular, agriculture and small farms. I did speak with the Senator specifically on the Coco Palms project. I know he is going to make it a priority to make securing money whether it is from the Interior Department or wherever; Parks and Agriculture. I appreciate it if you could pay attention to that.

Mr. Gaines: Councilmember, we will do that and if I may at some point, if you would share some of your comments that you had with the Senator, so we can be assured that we are all on the same page. We would reach out to his office but we would like to know the conversation you had relative to those issues so we are all on the same page.

Mr. Hooser: Absolutely. Thank you.

Mr. Kagawa: It is no secret today that we have this huge crowd because of GMOs, if you look at the signs. It has been no secret that there has been an uprising here on Kaua'i. I do not know—has the Administration told you guys prior that we have...

Ms. Cronin: We are familiar.

Mr. Gaines: We understand this issue.

Mr. Kagawa: You mentioned that you have relationships with the Food and Drug Administration (FDA) and the Environmental Protection Agency (EPA) regarding funding?

Ms. Cronin: United States Department of Agriculture (USDA), yes.

Mr. Kagawa: Department of Agriculture, too?

Mr. Gaines: Yes, USDA.

Mr. Kagawa: Is it within your Scope of Work in our contract with the County that you could assist us in maybe letting those agencies know, and our Congressional Delegation, that we have some Kaua'i specific concerns that differ from O'ahu, Maui, and so forth. That maybe could help us to get those addressed.

Mr. Gaines: Councilmember, you raise a very good point and when those issues or those positions are formulated and transmitted, we will make the delegation know exactly what the formal positions of the County are.

Mr. Kagawa: Is it in your Scope of Work/contract with the consultants that they could do that?

Mr. Heu: I think that there are some general sections in the contract that are fairly broad. I wanted to take this opportunity just to kind of take us back a little because I was here under the Administration of Bryan Baptiste when we first brought on a Washington consultant. The primary reason for bringing on the Washington consultant was looking at return on investment. We said, "If we can spend, let us say, one hundred thousand dollars ($100,000), but in return for that one hundred thousand dollars ($100,000) worth of service, the County could bring in from Washington one million dollars ($1,000,000), that seemed like a good deal." Again, I just want to help Councilmembers understand that was the primary goal when we first started out. I am not saying that Washington consultant could not be value in many, many other areas. We may need to look at Scope of Work, and then how much we are willing to pay for that full broad range of services. I think as currently written, to answer your question and based on what I am hearing here at the table, I think some of these things could be done.

Mr. Kagawa: Here is my problem. I think about two (2) months ago, Senator Hirono was here at the Hawai'i Government Employees Association (HGEA) Office, myself, Mr. Rapozo, and Mr. Bynum was there, having lunch with her to talk about Kaua'i specific issues. When I told her that we are getting tons of E-mails and I told her, "You are our Congressional leader. You are the link for us with the FDA, EPA, and the Department of Ag. What is your position on all of these E-mails that are coming that are concerned about the seed companies and their operations?" She said she is waiting for more facts and evidence. I am just worried that when you have something really important that you are just taking that answer and not really looking...and if we have that link—

we are so far from Washington, D.C., but if we have that link to go and see for us as to whether she is really looking or not, then maybe you could help comfort me in making a Kaua'i based decision. The Feds are not doing their job. The States are not doing their job. We will do a—I guess they say it is a political crime to take on a duty that is already done by other government agencies. They say to never duplicate services as much as possible in government. For the County to go...

Chair Furfaro: Excuse me, Sergeant of Arms, please get the door either open or closed.

Mr. Kagawa: For us at the County level to oversee Ag without any expertise, without any prior knowledge, to me is pretty frustrating when we have other government agencies that oversee that industry. I think the lack of answers has brought forth this bill that we have, which could potentially shutdown our six hundred (600) people out of jobs. It may not be a priority as far as Administration right now, but if the bill passes, it will be an immediate priority.

Chair Furfaro: Excuse me, Mr. Kagawa. Ladies and gentlemen, I really need your cooperation there at the door. We have a Sergeant of Arms. You either need to be in the room or out of the room because we are very close to the maximum capacity of the room as well. We already had the Fire Chief visit twice. Please respect our needs. Mr. Kagawa, you have the floor.

Mr. Kagawa: Thank you, Mr. Chair. Can you help us work with the Administration, with Mr. Hooser, and try and get the FDA, EPA, and the Department of Ag to consider Kaua'i's concerns separately from the other islands. We have "Kaua'i specific" concerns that really need to be looked at. We need to let our congressional people—mainly Senators Hirono, Senator Schatz, and Representative Tulsi Gabbard that this is a very unique time in Kaua'i where we are considering something unheard of. They need to really take some interest in the island that they represent.

Mr. Gaines: Yes, Sir.

Mr. Kagawa: Thank you.

Chair Furfaro: On that note, I will give you the floor. I want to ask all members here to understand that this is our first visit with our lobbyists. Please note as they have shared that they will be back. We are very close to a caption break and I need to go through some operating rules before we go into the next item.

Ms. Yukimura: Chair, I do have some questions. I wondered if you want to take the break first?

Chair Furfaro: No. I want to make an announcement here. I shared with Mr. Hooser when he asked me to put this bill on the agenda, and he asked me to do it with some urgency. Based on the business that we had, I said I could block a two (2) hour amount of time because we have seven (7) Executive Sessions today dealing with also some presentations on some legal matters. I will be bringing up our County Attorney to define some recess process that we could have, even if it leads us into tonight or even if we have to recess and come back tomorrow morning. I want to stay focused on the other business that we also have in the County for today. I would like to move forward, give you the floor now, and

remind the members that everybody has had a chance to speak, the fact of the matter is that they are pledged to come back. You have the floor, Councilwoman.

Ms. Yukimura: Thank you, Mr. Gaines and Miss Cronin. Welcome to Kaua'i. Even though you are from Washington, D.C. or maybe because you are from Washington, D.C., I do not think you have seen this demonstration of local democracy before, have you?

Ms. Cronin: Not in Kaua'i.

Mr. Gaines: Not here.

Ms. Yukimura: Well, have you seen it elsewhere? Okay. How many local governments do you work with?

Ms. Cronin: I currently work with seven (7) or eight (8).

Ms. Yukimura: Okay. What is the cost of the contract that you have with the County?

Mr. Heu: For this current Fiscal Year, the contract is for fifty-five thousand dollars ($55,000). I think for next Fiscal Year, the contract is for fifty-three thousand dollars ($53,000).

Ms. Yukimura: Fifty-five thousand dollars ($55,000) for this year and fifty-three thousand dollars ($53,000) for this coming Fiscal Year, which starts in July?

Mr. Heu: Yes. I think the contract is being signed right now. That is for fifty-three thousand dollars ($53,000).

Ms. Yukimura: Okay. I do have the same queries that Councilmember Rapozo did in terms of what the results of your work have been, in terms of money that comes to the County?

Mr. Gaines: Councilwoman, the emphasis in Washington as you well know, not to rehash, has changed dramatically. The fact of the emphasis now is on grants, something that this County has not particularly done over the years because of a wonderful leadership that Mr. Inouye had and the appropriations process of securing pretty much, money easily. This has been a tremendous learning process for the County and a reeducation so to speak or an education. In the first year of this educational process, I believe as Mary mentioned that we have brought in approximately four hundred thousand dollars ($400,000) in successful grants through this process. We have teed the ball up and set the stage for the County to do even better this coming year because of the conversations that the Departments have had with the Grant Administrators in the various Departments throughout the Federal government.

Ms. Yukimura: That four hundred thousand dollar ($400,000) grant was for what? What was it?

Ms. Cronin: It was an ATF grant through the Department of Homeland Security, which is provided to the Fire Department. If you would like more information, I can provide that to you.

Ms. Yukimura: That was a competitive grant? It was not passed through that comes to every local government?

Ms. Cronin: That is correct. It was a competitive grant.

Ms. Yukimura: Okay.

Ms. Cronin: We also assisted in securing six (6) days of Technical Assistance through the Department of Housing and Urban Development for the Housing Department.

Ms. Yukimura: Yes.

Ms. Cronin: I do not have a dollar figure that you could equate with that.

Ms. Yukimura: The value of it, yes.

Ms. Cronin: There are at least three (3) grants pending.

Ms. Yukimura: Okay. Very good. Thank you. When we appropriated this money, at least my idea was that we would be getting help in policy development. My area is Housing & Transportation and there is a lot going on in that whole area of Federal funding for transportation.

Mr. Gaines: Yes.

Ms. Yukimura: Like Council Vice Chair mentioned, I am very interested in policy issues that are before the Federal government that affect us and how we can influence or affect them, in addition to funding because I want to ask our Managing Director, Mr. Heu, do you know how we got the four hundred thousand dollars ($400,000) for the Multimodal Land Transportation Plan?

Mr. Heu: Well, I do not know specifically. It could have been the request that was made of former Congressman...

Ms. Yukimura: Ed Case.

Mr. Heu: Ed Case, yes.

Ms. Yukimura: Yes. It was an earmark but the request came from this Council because we are familiar with the issues that our departments are dealing with, and so we make contacts. We make requests. We add our support for grants that can come to this County. I guess I am trying to reinforce Councilmember Bynum's point that this Council can be a very helpful partner in getting moneys for this County. Indeed, we all have personal relationships with our Congressional Delegation. This is a small State and we just are very personally connected. I think it is really losing an opportunity when the Council is not involved in both public policy issues at the Federal level and possible grants. The contract may be authorized by the Administration and managed by it, but I would like to suggest that you do not represent the Mayor and the Administration; you represent the County of Kaua'i. The legislative policy body is a really important—from a really positive standpoint—a partner. I hope that in the

future, we can move that forward in that way. I do want to ask about transportation, because we have great needs in becoming a more multimodal community, and that is the direction of the Federal government. I would like to know what kind of grant opportunities there are and how we can prepare ourselves. Have you worked with our Transportation Agency?

Ms. Cronin: Yes. We have worked very closely. We have worked with the Transportation Department, as well as the Environment and Public Works Department. Lately, we have been having a discussion about transportation and specifically the Transportation Investment Generating Economic Recovery (TIGER) grant also known as "TIGER," of which there have been five (5) rounds in the last two (2) and a half years. We have been very successful in assisting or securing TIGER funding for our other local government entities that we represent. We have suggested to the County that they apply for a TIGER grant. At the time it came out, when it was announced, which was a couple of months ago; we discussed multimodal opportunities for funding different multiple projects within the County to the tune of somewhere between five million dollars ($5,000,000) and twenty-five million dollars ($25,000,000). It was a discussion that was had amongst Environment and Public Works (EPW), Transportation, and other agencies within the County. We decided that at this point in time, that they would not apply for it, but that they would get it together to be able to apply for the next round, which we anticipate will be later on this year or early next year, depending on the appropriations process, as you know. Just to give you some background, the House appropriators have eliminated the program for Fiscal Year 14. The Senate appropriators have not, so I doubt that we will get to the point where they are going to conference on appropriations bills. It is very likely that there will another continuing resolution, which will mean that there will be funding for TIGER similar to Fiscal Year 13. There was five hundred million dollars ($500,000,000) for the program this year. We hope that there will be five hundred million dollars ($500,000,000). It is a very competitive program. There are over nine billion dollars ($9,000,000,000) worth of applications submitted for a five hundred million dollar ($500,000,000) program. It is not something that can you can just throw together. It is something that needs to be put together and a really serious strategy needs to be in place in order to be competitive on that.

Ms. Yukimura: I am aware that it is a very competitive process. I am also aware that we have a lot of things going for us in a positive way. We have a Multimodal Land Transportation Plan that is very well done. We have a top notch manager of our Agency, but we have some capacity issues, which are one (1) of the things that we missed in the last Budget, and I want to resurrect. We need some planner position in there to actually develop the grants. We are also a very, tightly run Transportation Agency. The analysis is that we are very efficient. Anyway, I think we have a potential and we certainly have a great need for that. Those are the kinds of areas that I am glad you are working on, like TIGER grants with our Transportation Agency, and I hope that we will apply for it in the next round. Thank you.

Chair Furfaro: Did you want to speak? We have a caption break coming up.

Ms. Cronin: I will just elaborate a little bit on the TIGER grant. As we said, it is a multimodal grant program, so they want to see a little bit the transit. They want to see a little bit of a port/pier infrastructure project. They want to see complete streets or bike/pedestrian type of trails, expansion of

sidewalks, signage, and that kind of thing. In some cases, but maybe not here—definitely not here, they there may be a rail component to it. There may also be a component to reducing congestion and getting trucks off of the road. There are all of these pieces that need to be included in this grant opportunity. One of the struggles or the challenges that we face is that there may be a specific transportation need or a specific transportation project like bus shelters, for example. We do not want to write a TIGER grant just for bus shelters. We want to write a TIGER grant that is going to be more comprehensive, and will include those other modes of transportation.

Ms. Yukimura: Yes, I understand that. That is why our Multimodal Land Transportation Plan is so important because it shows that kind of integration. One thing I really want to compliment the Administration for is that they have cross department teams that are working very well together on this issue. I think we are a prime candidate for TIGER grants, but I understand what you are saying, that how we design and craft the grant application needs to be with all of those things in mind.

Ms. Cronin: Right, as well as there are other pieces that must be in place. A National Environmental Policy Act (NEPA) review must be initiated before you can submit an application or receive funds through this program. The NEPA process has to be initiated. You also have to be able to show us really significant Return On Investment. The cost benefit analysis portion of the application is of the utmost importance because they want to see if the percentage that cost benefit analysis is very high, and job creation is another piece. The more jobs you can create and a local match—if you have a significant local match, although you would be eligible to apply for a rural designated TIGER grant, in which there is no local match requirement. It is still highly recommended that in order to be successful and competitive, that you provide a significant local match.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: On that note, I would ask cooperation from the Councilwoman. I want to wrap this up, and basically say that we will be sending you some correspondence. You heard some of the things. I will solicit from the members' items, whether it is funding for Coco Palms, issues about pesticides, and everything from the municipal bond crisis. I will solicit some comments and get it over today to your office, as well as to the Administration.

The motion to receive C 2013-235 for the record was then put, and unanimously carried.

Chair Furfaro: Thank you very much. Before we go any further, I want to go over a couple of items. First of all, we talk about being and living *aloha* in Hawai'i. *Kaulike* is certainly dealing with managing diversity. A specific question—your situation is one that we will try and treat opportunities for all as we deal with bills here. When Mr. Hooser approached me about getting this on the agenda soon, I earmarked that I could carve out a two (2) hour session. To do that, I want to make sure that we understand that there are certain rules that we have. Those rules include that no member may speak longer than five (5) minutes and not more than twice on the same question. As we deal with this question, the proceeding officer, which is the Chairman—you may appeal to the body through the Chairman if you are not in agreement with this rule. If the member is making the

motion of the sponsorship of the item and it is pending, the member may speak for up to twenty (20) minutes, or he can allocate that time to one (1) presentation. That does not mean all sides will get an equal twenty (20) minute time for a presentation. The maker of the motion is both Mr. Bynum and Mr. Hooser. Mr. Hooser has indicated to me that when we come back from the break, he will ask Mr. Bynum to yield his five (5) minutes so that Mr. Hooser may make an overall ten (10) minute presentation. This is a first reading of a bill. A "first reading of a bill" is one that determines that we then move the bill on or not to a public hearing which would be scheduled in the future, and then the bill would go to a Committee of whoever the Chairman of that Committee is would be the managing agent. In this particular case, if this bill goes to Mr. Hooser, it will be in that Committee and he will be responsible for managing that piece. Now, we only have two (2) hours and we have a significant amount of people that will be speaking. When we come back, I would only take testimony from the public in three (3) minute increments.

Mr. Hooser: Just a clarification, Chair. It is my understanding that every member will get five (5) minutes prior to the vote, so the time we are talking about is the opening remarks? Councilmember Bynum will have five (5) minutes at a later time to speak and I can speak later, prior to the vote as well. I just want to clarify that.

Chair Furfaro: Yes. I just want to make sure because today, we have seven (7) Executive Session items, and I think you know the courtesy I extended to you on putting this on as quickly as we possibly could. I would like to finish reading the general audience some of our rules. I would ask Mauna Kea also, if we allow three (3) minutes, you are allowed at the discretion of the Chair another three (3) minutes or that could be at a later time, which I would like to ask Mauna Kea to express. Can you come up and tell us what interpretation you have on that rule from the Office of Information Practices (OIP). Mr. Trask, please introduce yourself.

There being no objections, the rules were suspended.

MAUNA KEA TRASK, Deputy County Attorney: *Aloha,* Chair and Honorable Councilmembers. For the record, Deputy County Attorney, Mauna Kea Trask. Regarding your question, Chair, according to the Office of Information Practices website, "the Sunshine Law does allow a board to continue a meeting when it is unable to complete an agenda by announcing a reasonable date and time for the continued meeting to those in attendance at the meeting. At the continued meeting, the discussion may only be a continuation from the original meeting, taking up discussions where the board left off."

Chair Furfaro: Thank you for getting that interpretation for us. The earmarked time will be after the recess until 12:30 p.m., and then we will be taking a forty-five (45) minute recess, because we will be going on to other items. We may come back later this afternoon. We may go into a later part of the evening. We may actually schedule, as OIP has advised, a continuation where we recess to another date and time. Thank you, Mauna Kea. JoAnn, do you have a question?

Ms. Yukimura: Not for Mauna Kea.

Chair Furfaro: Okay. Thank you, Mauna Kea. The Chairman recognizes you. Did you have another question?

There being no objections, the meeting was called back to order, and proceeded as follows:

Ms. Yukimura: Yes. I just wanted to make it clear that in our process when a bill goes to first reading, ninety-nine point nine percent (99.9%) of the time it passes unanimously because it is just the starting point of a bill. When we pass a bill on first reading, we set a public hearing. There will be another day and time for this issue to come up that is separate from any other agenda item if we so arrange it. There will be a set time it starts, and there will be a chance for everybody to testify. Then it goes into Committee, where the Committee works on the amendments and so forth. This bill is not going to be approved or die today, either way. It is only starting on its journey. The journey includes a public hearing at another date. I just want people to know that there is more than this time to testify on the matter. Because of time constraints, the Chair in his discretion, which he has under our rules, limits testimony to three (3) minutes. I hope people will honor that because that will give more people time to speak today. There will be more time to speak later. Just so everybody knows that.

Chair Furfaro: Thank you for reemphasizing what I said earlier. This is the first reading. This determines if the bill, when it goes to Committee, when it would be scheduled and whose Committee that would be in. That is determined after a public hearing. On that note, I want members to know, that we have a significant amount of people who have signed up, and we will be breaking at 12:30 p.m. for lunch, and other business that was already on the agenda. Mr. Hooser, did you want to add anything to that?

Mr. Hooser: No, Chair, I will save my remarks for after we take the break. Just to thank you for scheduling this as promptly as you did. I appreciate that.

Mr. Rapozo: I just have one (1) question. How many speakers do we have registered?

Chair Furfaro: We have one hundred fifteen (115).

Mr. Rapozo: One hundred fifteen (115)? That is three hundred forty-five (345) minutes.

Chair Furfaro: This Council, Mr. Rapozo, as you know, has gone until 4:00 a.m. in the morning if necessary.

Mr. Rapozo: I know. I am just questioning the...

Chair Furfaro: I asked Mauna Kea to come up to read if we have the authority to recess this to another specified date and time, if we have used our two (2) hours this morning. OIP has ruled that yes, we do.

Mr. Rapozo: I am just looking at the clock and we are going to take a caption break, so we will probably have an hour and a half.

Chair Furfaro: Okay. Members, please be back promptly. For those of you in the seats, I want to remind you we have a Fire Code. We are probably at the maximum level right now, so you probably want to stay in your seats. Ten (10) minutes, members.

There being no objections, the meeting was recessed at 10:44 a.m.

The meeting was reconvened at 10:56 a.m., and proceeded as follows:

Chair Furfaro: I am going to call the meeting to order. Ladies and gentlemen, I want to share with you that before we go any further, we have approved the Consent Calendar. I would like to defer a number of Executive Sessions after talking with the County Attorney's Office for later today. Upfront, I would like to get deferrals on ES-610, ES-629, ES-635, ES-642, and ES-643. I confirmed on the other two (2) items that we have specific times for the County Attorneys. May I ask someone to duplicate the motion I just made?

There being no objections, ES-610, ES-629, ES-635, ES-642, and ES-643 were taken out of the order.

EXECUTIVE SESSION:

ES-610 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an executive session with the Council to provide the Council with a briefing related to the procurement matter and recommendations as stated in the Management Advisory Report Finding 12-01 "Review Purchasing and Procurement Process of Independent Contractors," and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item: Mr. Kagawa moved to defer ES-610, seconded by Mr. Rapozo, and unanimously carried.

ES-629 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(3), and (4), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is for the Council to address issues relating to on-going labor negotiations and related matters and to consult with the County Attorney. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item: Mr. Kagawa moved to defer ES-629, seconded by Mr. Rapozo, and unanimously carried.

ES-635 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Section 3.07(E) of the Kaua'i County Charter, the Office of the County Attorney, on behalf of the Director of Finance, requests an Executive Session with the Council to provide the Council with a briefing and request for approval of proposed tax compromise with AOAO of Kulana Condominium, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item: Mr. Kagawa moved to defer ES-635, seconded by Mr. Rapozo, and unanimously carried.

ES-642 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing in Ricky L. Ball vs. Kaua'i Lagoons Resort Company, Ltd., et al., Civil No. 12-1-0289 JKW (Fifth Circuit Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the

County as they relate to this agenda item: Mr. Kagawa moved to defer ES-642, seconded by Mr. Rapozo, and unanimously carried.

ES-643 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing in Jeffery Sampoang vs. Harvey Brothers, LLC, et al., Civil No. 12-1-0294 JKW (Fifth Circuit Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item: Mr. Kagawa moved to defer ES-643, seconded by Mr. Rapozo, and unanimously carried.

Chair Furfaro: Thank you. Since I touched on the rules, I would like the Clerk to read the item that is up on the 10:30 a.m. calendar.

There being no objections, Proposed Draft Bill No. 2491 was taken out of the order.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2491) – A BILL FOR AN ORDINANCE TO AMEND THE KAUA'I COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE 22 TO CHAPTER 22, RELATING TO PESTICIDES AND GENETICALLY MODIFIED ORGANISMS: Mr. Hooser moved for passage of Proposed Draft Bill No. 2491 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for July 31, 2013, and that it thereafter be referred to the Economic Development (Sustainability / Agriculture / Food / Energy) & Intergovernmental Relations Committee, seconded by Mr. Bynum.

Chair Furfaro: Thank you. I want to make note at the request of the Chairman to the County Clerk, on that date, I would like to keep the rest of the calendar open in the afternoon after the reading of that public hearing. On that note, we have a motion and second. Mr. Hooser, I am going to suspend the rules after I give you the floor, so that you can refer to Rule 6(f) which I read earlier. You have the floor.

Mr. Hooser: Thank you very much, Chair. Thank you, members and members of community that are here today. It is clearly a very important issue that we are dealing with. I am going to just take a few minutes to explain the ordinance. I think it is important that the public know, Mr. Chair, the Sunshine Law prohibits me as a Councilmember from discussing this in any detail with any other member on the Committee. Councilmember Bynum approached me when I first started working on it and said, "I want to work on this with you. I am committed also to this issue." The Sunshine Law has allowed Councilmember Bynum and me to work on this issue together, but it has prohibited by law for me to discuss it with any other Councilmember in any detail. For some of these Councilmembers, they have only seen it the same as you have seen it. I have never had the opportunity to speak with them. It is against the law for me to go to their office and speak with them and talk about it. I wish that things were different. In the State Legislature, I would have worked with everybody and get everybody to cosign this, if possible and get everybody's *mana'o* along the way. By law, I am not able to do that. As we move forward—I appreciate those of you who support this measure, acknowledging myself and Councilmember Bynum as co-introducers and introducers, but bear in mind that it could have been all of us. It could have been a

number of us. I am hopeful that at the end of the day, we will have a unanimous vote and seven (7) members in support. That is kind of a background on the law itself. Again, I want to thank Councilmember Bynum for his help and support. He has been integral to this process. He has reviewed and we have had many discussions on this. I have been making laws or passing laws for fifteen (15) years and without exaggeration, I have worked more on this. This is the research right here that has been going on for the last six (6) months. It is a complicated issue when you are trying to look at what the issues are. At the end of the day, it comes out for me, anyway, for this ordinance, the right to know. The right to know what is being used in our community in terms of chemicals and I would like to know what those impacts are. I am going to go through the ordinance very, very quickly because we have a lot to go, but I think it is important that the people understand the basics of it. The first slide—this is the heart of our responsibility. This is the very heart of it. This is Article 11 of the State Constitution. It says, "The state and its political subdivisions." That is us. We are a political subdivision of the State. It says, "We shall do this stuff." It does not say that we "may" do it or if we "want" to do, we can do it. It says, "We shall conserve and protect Hawai'i's natural beauty, resources, land, water, air, minerals." This is the fundamental law that we operate under. It is not "maybe," it is "shall." Next slide. Kaua'i is different from all of the other Counties. People say it is a statewide issue, but Kaua'i is different. We have more going on here in this subject than any other County or any other place in the State of Hawai'i. We have more companies. We have more acreage. We have more chemicals. Kaua'i they say, is ground zero. This bill is not about whether GMOs are good or bad in my opinion. This bill is about the impacts on Kaua'i County, not on India, not in the third world. It is about impacts in our community. It starts with information. Next slide. We are ground zero. Next slide, please. When doing my research, I looked around and asked, "What is going on here?" I discovered—and it is in the bill, twenty-two (22) different restricted use pesticides, comprising three and a half (3.5) tons are used annually on Kaua'i, basically with five (5) companies. Restricted use pesticides are the really, really bad ones. Those are the ones that you need special permits for. These are banned in Europe and many places, and banned in other states. This is not "Roundup" that you buy from Walmart. This is really harsh stuff, done only by licensed applicators, but it is not something that you fool around with. These two (2) binders here are labels. These are labels for twenty-two (22) pesticides, and some of these labels are one hundred (100) pages long, with warnings like "Keep Away From Children," "Keep Away From Pregnant Women," and "Kills Bees." It is serious, serious stuff. Next slide, please. Before I do that, I have a copy—I requested from the Department of Agriculture, a copy of all restricted use pesticides sold in Kaua'i. It took me months to get it. It is not easily obtainable. We had to spend several hundred of dollars for this information. I then discovered that it was really only five (5) companies doing all of this—the vast majority, ninety-nine percent (99%). The information has been withheld—next slide, please. We are talking about the direct/indirect, cumulative impacts, and these have not been properly evaluated. There is no question. People talk about that "these pesticides have been studied." "GMOs have been studied." No one has studied the impacts on Kaua'i of twenty-two (22) pesticides and an unknown number of GMOs being grown. Nobody has studied what it means for our water. No one studied what it means to our residents around here. No one has studied what it means to the children. No one has done that. No one knows. We do not know what is being grown. We do not know what is being sprayed. This bill attempts to find that out. It has been a secret so far. The companies have not wanted to give me, as a Councilmember, the information. I have had to request it over and over again. I have been given misinformation, quite frankly. I was told there were no experimental pesticides being used, and then I was told by the

Department of Agriculture that two (2) companies, Syngenta and Pioneer, both have permits for experimental pesticides. It is very frustrating. We need to know what these impacts are. Next slide, please.

This is what it is about. This is about the right to know what pesticides and what genetically modified organisms are being used in our community and what those impacts are. I believe the people are entitled to know that. That is really what we are asking. This is not going to cost jobs. Disclosing information does not cause a company to shutdown. Saying you cannot spray this stuff next to a school, hospital, or a stream should not make a company close its doors and go away. I will go into the ordinance provisions now. We have a "mandatory disclosure of pesticides." That is it, okay—"mandatory disclosure." What is up with that? We are not saying that you cannot use it; we are saying that we need to know. The community needs to know. Next slide, please. We are asking for buffer zones within five hundred (500) feet; schools, hospitals. Buffer zones are going to be a contentious issue, there is no question about that. Buffer zones are important. If you are a pregnant woman, a doctor, or a principal and somebody is spraying outside of your school day after day, right now you are not entitled to know what that is. People can spray adjacent to your property. This is why the Hawai'i State Teachers Association (HSTA) is endorsing and asking for the support of passage of this measure. This is where a number of pediatricians—Dr. Evslin, Dr. Young, Dr. Weiner, and many other local pediatricians and physicians. People that raised or gave birth to my children and your children are saying that we should pass this. We have the right to know. We need to know this information. The buffer zones—that is why the Surfrider Foundation and the Sierra Club is endorsing it. We have the right to know. Next slide, please. It prohibits this bill open air testing of experimental pesticides or experimental GMOs. On one (1) side, the company says that we do not do experimentals, so that should not bother them. You can do it, but it has to be enclosed. It cannot be outside. This is experimental stuff. This stuff is not supposed to be around. The same with the experimental GMOs. It is experimental. It is not approved for release into the environment. It should only be done in enclosed environments. This is not the fields of corn we are eating. This is experimental stuff. This does not shut the company down. Okay, next slide. A "temporary moratorium" means "let us take a deep breath." The companies have twelve thousand (12,000) acres to twenty thousand (20,000) acres, depending on how you cut it. It is not saying that you have to stop what you are doing, just "no new operations and no growth until we figure this out." That is it. It is a reasonable request. Moratoriums are not new. We do a moratorium when we do an Environmental Impact Statement (EIS). Next slide. That evaluates the impacts in our community. That is thorough. It is clear process. Next slide, please. Then we take those impacts and we have a County permitting process. It is only five (5) companies. It is not like you have to permit a hundred different people. Five (5) is not a burden. The permitting will be based on the impacts that come from the EIS. Next slide, please. "Where is the money going to come from to do all of this?" they asked. Well, the money will come in the bill and we can apply permitting fees to these companies. They are multibillion dollar international companies. They can pay a little bit of money to hire County employees to enforce this. It is not a big, new department. The company is six thousand (6,000) acres of land that is leased from the State. For whatever reason, the companies have not been paying property taxes on this land and we have back taxes due of one hundred thirty-one thousand dollars ($131,000). If we went all the way back to when they first started, we would have twice as much. Those funds can be used to implement the program. There are penalties involved. There is a rule making process involved, and there is a severability clause, which means that if any section of this found to be illegal, you

can pull that section out and the rest of it still stands. Let us get to the law real quick, and then I am almost done. I have been working on this for months. I have met the Deputy County Attorney, Mauna Kea Trask, for several months now. This is a summary of the provisions. Let us go to the "legal review." Next slide. These are all organizations and individuals who have looked at this ordinance and have given me their feedback: the Office of the County Attorney; the Center for Food Safety (CFS) which is a national organization; Beyond Pesticides, another national organization; attorneys in Honolulu for Earth Justice; attorneys for the Native Hawaiian Legal Corporation (NHLC); from the Senate Majority Research Office there Honolulu—these are the guys who write the law in the first place; attorneys for The Hawaiian-Environmental Alliance (KAHEA); and several other private and government attorneys have looked at this and reviewed it with me. I have done my best to amend this to meet the concerns of all of those attorneys. At the end of the day, at the minimum; no statute, law, case law, which is a court decision established in Hawai'i or Federal courts, expressly prohibits us from doing this. No law says we cannot do it. No court case says we cannot do it from passing and implementing the ordinance. It goes without saying, whether you are banning smoking in restaurants or plastic bags, someone can challenge the law. Some of it has been untested. Next slide, please. There are three (3) specific laws and various case laws that say "we should do it or can do it." Next slide, please. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), which is a Federal pesticide law, says, "Local governments can also regulate pesticides." The State of Hawai'i pesticide law is silent. Most of the attorneys whom I talked to says that means we can do it. The last one, the Right to Farm Act has been reviewed in detail and does not apply, in my opinion, and the opinion of the majority of attorneys who have looked at this. Next slide, please. This gives us the power to do it. "Each County shall have the power to enact ordinances deemed necessary to protect the health..." This State law that specifically gives us the power to protect health. The next one says that we have the power to enact ordinances regulating or prohibiting dust, noise, vibrations, odors, et cetera. It says, "Any provision notwithstanding." Any other law does not matter. We have the power to do this. "No ordinance shall be held invalid and the strongest one applies." This gives us specific authority. Next slide, please. I will go back to the very fundamental State of Hawai'i Constitution which states, "The political subdivision shall conserve and protect..." Not "may," but it says "we shall do this." It is our obligation to do this. We have to do this. There are court cases on Hawai'i island that the Native Hawaiian Legal Corp showed me. The County of Hawai'i said, "It is not our *kuleana* to protect the water." The Court said, "Yes, it is because you shall do this." Next slide, please. This is a summary. The people of Kaua'i County have the right to know. This thing has been reviewed, reviewed, and reviewed. This is a first reading and it will continue to be reviewed. There will be amendments, suggestions, and continual legal review. Bill No. 2491 should be passed on first reading and allowed to proceed through the process. Thank you very much for listening to me. I am going to go ahead and introduce a couple of speakers who came from the mainland who are going to talk for a few minutes on the science on this. We have a representative from The Center for Food Safety, Mr. Bill Freese. Why do you not both come up here, please? We have William Wallace Steiner, also. Mr. Freese is a Science Policy Analyst for The Center for Food Safety. He has had numerous peer review articles on this subject. He was the key to exposing the starling controversy, the one that got into the food system and caused a big problem. Dr. Steiner, who is on my right, is recently retired. He is a former Dean of The College of Agriculture at the University of Hawai'i at Hilo. He is a cofounder and Director of Global Ecology Foundation and the former Director of the United States Geological Survey Pacific Islands Research Center. He was a Research Scientist for the United States Department of

Agriculture (USDA) Agricultural Research Service. He has a Doctor of Philosophy (PhD) in Genetics, Bachelor of Arts (BA) in Zoology, and an Associate of Science (AS) in Agriculture. Welcome, gentlemen. I am sorry to rush you. Please proceed with your presentation. We will let you know when we have a one (1) or two (2) minute mark. Go ahead, thank you.

Chair Furfaro: Mr. Hooser, I just want to reference to the rules real quick. Although your time exceeded, I am not docking the twenty (20) minute presentation, so tell the Staff to set an alarm for eighteen (18) minutes.

Mr. Hooser: Thank you very much, Chair.

There being no objections, the rules were suspended.

WILLIAM WALLACE MOEKAHI STEINER: I want to thank you, Councilmember Hooser. I also want to thank the Chair, Vice Chair, and Councilmembers for having me come over and present this presentation and to talk to you about this. I have an interesting background. My history is that I was born on O'ahu. My mother is Portuguese and Hawaiian. We come from Naili, Haleakalā, and Kanahele families. My father's side is a German-Swiss group that settled as homesteaders on the mainland and moved west with the expansion of America throughout our history. I was raised on the mainland. I grew up in Idaho. We had a family ranch there and did not know about *paniolos* at the time, but found out later in deed that we were *paniolos*. I came back to Hawai'i after time at Boise State to get my AS degree. I obtained my PhD in Zoology and Genetics at University of Hawai'i at Mānoa campus in 1974. I taught at the University of Illinois for ten (10) years (inaudible). I have taught at the University of Missouri in Colombia for ten (10) years. I served with the USDA Ag Research Service for ten (10) years, and then served ten (10) years with the US Geological Survey, which brought me back to Hawai'i, where I served as the Director for the Pacific Island Ecosystems Research Center, investigating research into conservation, endangered species, and extinction here in the islands.

Mr. Hooser: Can you repeat your name for the record?

Mr. Steiner: William Wallace Moekahi Steiner.

Mr. Hooser: Thank you.

Mr. Steiner: My background is varied, but I have always had a love for Hawai'i because that is where I was born. My Hawaiian side of the family is all here; they all live here. It is one of the reasons that I came back to go to school here. I came back because I saw the problems that existed here and wanted to give something back to the State as a legacy for my own self. In my work with USDA, I was at the research center in Columbia, Missouri when Monsanto first began doing genetically modified organisms. What I want to present here today is some science and facts behind why these are dangerous organisms and why they are/can affect the soil of our State here. With that background, let me go ahead and start. What I will do is read my testimony to you. You will get written copies of this. I am sorry; I sent that off just this morning. My intention is for you to have the written testimony and also a file of research papers that will support what I am saying. The problem that we have today in nondisclosure is that we do not know what the corporations that sell these organisms have found in the past. We have no access to that information. For some time now, they have tried to

suppress scientific research in those areas, partially by getting public funds withheld, partially by damaging the reputations of people who tried to investigate them. What is at stake are billions of dollars—billions of dollars. The amounts stagger us. What they do is try to find places where they can work with in relatively obscurity and advance their agenda. What we come to then is the fact that the research has to be done by independent scientists, and that research is now being done. It is being done in Europe, Australia, China, and now beginning to be done in the United States. For the first time, the National Science Foundation was awarded five hundred thousand dollars ($500,000) a year, versus something like thirty million dollars ($30,000,000) that goes into biotech work—five hundred thousand dollars ($500,000) a year for US Scientists to begin doing this work. This is what underlies the reason why I am here today. What I want to do today is present some facts to you and give you, in a file, the research papers that support those facts. I have often maintained to the Councils that I have spoken to before and to the agencies that have asked me to come and speak, that in time, what is hidden from us by the corporations will come to light. The reason that will is because we have independent scientists who seek to confirm that there may be problems. This is the same kind of strategies that worked with asbestos, cigarettes and tobacco, and so forth. The industries took their billions of dollars in profit and it was not until thirty (30) or forty (40) years afterwards that we found what the problems were. The same thing is happening here again. "What is the problem here?" Well, the problem here as we it relates to soil and pesticides, is that chemicals like Roundup, we now know kill the soil microorganisms...the very beneficial microorganisms. Those organisms just like they would affect herbicides or weeds and just as they would affect insects. What that means is that we have reduced fertility in our soils. It means that we come more dependent on putting in phosphates and other chemicals to make our plants grow. It means that if, in fact, these companies have to leave or times change and they lose profitability, then we are left deserted with poor soils. Now, "why is this a problem?" It is a problem because just like any other mineral resource, like oil and pertoleum for example, these mineral resources are depletable. There is an estimated one hundred (100) years lifetime left for phosphates and an estimated three (300) years time left for potassium; the Nitrogen, Phosphorous, and Potassium (NPK) that is used in our fertilizers. Knowing that, how will Hawai'i fare in the future with poor soils when these resources, which have already risen three hundred percent (300%) in the last ten (10) years, when these resources disappear? We have to think about that. We need to be working in our small island State on ways to preserve our soil and ways to make it better and healthier and on ways to make our beneficial insects and microbes in the soil benefit us and continue to survive. We do not do that by supporting big corporations that come here to take what profits they can, and then leave. I am going to cut my testimony short here. I am not giving you specific examples because those are in my written testimony that you will get and those are in the research papers you will see when you get that. Mr. Hooser, you will get that file, so I hope you will share it.

BILL FREESE: My name is Bill Freese. As Councilmember Hooser said, I am the Science Policy Analyst for The Center for Food Safety, which is a nonprofit based in D.C. that supports sustainable agriculture. We have well over sixty thousand (60,000) members throughout the United States, including Hawai'i. Just a little on my qualifications, I have a Bachelor's Degree in Chemistry from (inaudible) College. I have worked on Agricultural Biotechnology Issues for fourteen (14) years. I have a peer reviewed scientific paper on flaws in safety testing and regulation of genetically engineered crops, which I wrote together with an eminent cell biologist from the Salk Institute, Dr. David Schubert. I have also

testified before Congress on biotech issues. I would like to thank GMO Free Kaua'i for inviting me here today, and I really, greatly appreciate the Council allowing me to come share some of my thoughts on the issue. The Center for Food Safety strongly supports Bill No. 2491. We believe it would provide citizens of Kaua'i with information that they deserve to know, and also provide much needed protections. I am just going to briefly address three (3) subjects. One (1) is the hazards of pesticide use with the genetically engineered crop field test in Hawai'i. Secondly, why Kaua'i cannot rely on the Environmental Protection Agency for protection from these hazards. Finally, a few examples of how states and municipalities have responded to the deficiencies in the EPA regulation. As has been said, Hawai'i is ground zero for experimentation with genetically engineered crops. There are more field tests here than any state in the nation. USDA data show that in 2012 alone, there were seven hundred forty (740) field test sites for genetically engineered crops in the State of Hawai'i. If you also consider that Hawai'i is much smaller than many mainland states where the field tests take place. For instance Illinois, it means that you have higher density of these field tests, which means that more people who live in proximity to the field trials. Most of the field tests we know involve genetically engineered corn; some soybeans and a sprinkling of other crops. Of course, Kaua'i is a big part of that with four (4) major biotechnology companies, operating on roughly thirteen thousand (13,000) acres here. Unfortunately, we know very little else. USDA shares very little data on these field tests and the companies often routinely hide information as what they call "confidential business information" from the public. Of course, this is one (1) reason that I think this bill is called for. A little bit on corn cultivation; it is one of the most chemical intensive of all crops cultivated in America. It uses very large quantities of nitrogen and phosphorous fertilizer. We know it is well established that runoff of these fertilizers is rampant and contributes to decimation, often, of live in rivers. For instance, in the Gulf of Mexico where there is a huge dead zone, which is partly attributed to our enormous use of these fertilizers with corn. Also, corn uses a lot of pesticides. Pesticides of course include not only insecticides, but also herbicides, weed killers, and fungicides to take care of plant disease. It turns out that if you are growing corn for seed, it is even more pesticide intensive for corn that is grown for animal feed. Sometimes, you have twelve (12) trips across the field per crop to spray pesticides and fertilizers. I am told that one can grow two (2) or three (3) corn crops a year in Hawai'i, versus just one (1) on the mainland, so that doubles or triples the pesticide impacts. All of the biotechnology companies stationed on Kaua'i are experimenting with herbicide resistant crops. These are crops that have been genetically engineered to commit heavy and repeated application of herbicides, some of which are toxic. These same herbicides would kill conventional crops. By engineering resistance to them, it enables much more free and unconstrained use of these herbicides. One (1) example is Dow. They have tested corn that is resistant to high levels of 2,4-D herbicide, which was part of Agent Orange that was used in the Vietnam War. Many scientific studies link exposure to 2,4-D to Non-Hodgkin's Lymphoma, which is an immune system cancer that kills thirty percent (30%) of those afflicted with it. Other studies have found 2,4-D linked to lower sperm counts in workers and other reproductive impacts. On the basis of this evidence, 2,4-D is banned in Norway and Sweden. BASF are experimenting with corn and canola resistant to imidazolinone herbicides. These herbicides have been strongly linked to bladder cancer. I think the drift is the real major issue here. Pesticides often drift as they are being applied. According to a 2001 report by the US Geological Survey and I quote, "After they are applied, many pesticides volatilize into the lower atmosphere or evaporate; a process that can continue for days, weeks or months after the application, depending on the compound. In addition, pesticides can become airborne, attached to windblown dust." This is the US Geological Survey.

They have done a lot of really great work, monitoring pesticides in the environment. With high winds and hot temperatures, certain pesticides can drift for miles. There are even cases of drift occurring over dozens of miles. Monitoring in California and Washington has found airborne pesticide levels that routinely exceed acceptable health standards, and in some cases, far from the site of application. One (1) example is the neurotoxin, Chlorpyrifos, which is an insecticide that has been strongly linked to Attention Deficit Hyperactivity Disorder (ADHD) in children, as well as Parkinson's disease. Chlorpyrifos is one of the restricted use pesticides used on Kaua'i, but we have no idea where, how frequently, or in what quantities it is used. Two (2) other restricted use pesticides used on Hawai'i are Paraquat and Atrazine. Paraquat is an herbicide that is a nervous system poison and it is also linked to Parkinson's disease, and in fact, actually used in medical research on experimental animals to simulate the symptoms of Parkinson's disease. Atrazine is another herbicide that used very widely in corn and on Kaua'i. It is a potent, hormone disrupting compound that has been shown to cause feminization of male frogs at extremely low levels, a process that the scientist who did this work refers to as "chemical castration." It has also been linked to breast and prostate cancer and low sperm counts in people. Atrazine has been banned in the European Union based on these known hazards. It is a compound that is highly water soluble and it is frequently found in surface and ground waters. Once again, we do not know where or how much Paraquat and Atrazine are used on Kaua'i, despite their known hazards. I would also like to make the point that it is well established that kids are especially susceptible to harms from pesticides. There is no doubt about this. In 1993, a National Academy of Sciences Committee wrote a report on this very subject. Our kids are really, very sensitive. They are smaller. They eat more per unit body weight, so any residues that they consume have a greater impact and their organs are developing, too, which can make them more susceptible. We would all like to believe that the EPA protects us from pesticides' harms, but sadly this is not always the case. I will briefly describe two (2) deficiencies and EPA regulation. First of all, EPA regularly approves hazardous pesticides. This is because by law, it has to weigh a pesticide's economic benefits against its health or environmental harm. For instance, that is why we have a pesticide like Chlorpyrifos that is approved and used. It is interesting. This insecticide has been banned for residential use, but it is the most widely used insecticide in US Agriculture, so we kind of have a double standard between urban areas and rural residents. Also, EPA has done a really poor job of regulating drift. It has wrestled with the issue for thirty (30) years, and has still not come to a good resolution of to account for exposure to pesticide drift because it is an episodic thing that depends on so many factors. We do not have protection from the EPA for pesticide drift.

Mr. Hooser: We are at the end of your time, so if you want to do a real quick summary, we would appreciate it.

Mr. Freese: Okay. I would just add that other states and municipalities have seen these deficiencies in EPA and have responded of regulations, very similar to the ones that are proposed in Bill No. 2491, such as buffer zones around schools, hospitals, and nursing homes and notification requirements. They even on the County level, there are regulation of for instance, 2,4-D, which is a highly drift prone herbicide. Thank you very much for allowing me to testify.

Mr. Hooser: Thank you both gentlemen for coming over all this way and sharing your *mana'o* with us. I will turn the meeting back to the Chair. Thank you.

Chair Furfaro: First of all, I want to thank you very much. Members, I will go around the table one (1) time before we start public testimony, if you have any questions. JoAnn?

Ms. Yukimura: Thank you, gentlemen. Mr. Freese, I know that Dr. Steiner is giving us something in writing. Do you also have your testimony in writing?

Mr. Freese: Yes. Is that okay if I can submit it within a week?

Chair Furfaro: Please let the Council have it. Thank you.

Ms. Yukimura: Can you give us a list of those states that have banned restricted pesticides?

Mr. Freese: Yes. Actually, it is not banning restricted pesticides, but establishing restrictions on pesticide use. I have a list of them here.

Ms. Yukimura: Okay, so there is no state that has banned restricted pesticides?

Mr. Freese: I think there are certain ones.

Ms. Yukimura: Maybe Councilmember Hooser has that information then.

Mr. Freese: Yes.

Ms. Yukimura: You mentioned 2,4-D, which I think we already know how dangerous it is. Have there been efforts to ban them nationally like "dichloro diphenyl trichloroethane" (DDT) was banned? Has there been efforts to ban 2,4-D?

Mr. Freese: Yes, but unfortunately, EPA, in our view, does not look at the evidence the right way. They ignore epidemiology studies, which is medical sciences way of establishing health harms from pesticides. It is very unfortunate.

Ms. Yukimura: Why is EPA the only entity that can deal with banning of a pesticide? How was DDT banned?

Mr. Freese: DDT was around before the EPA was established in the Nixon era. I believe pesticide regulation was then in the hands of Department of Agriculture, but today EPA has sole authority over pesticides.

Ms. Yukimura: Congress could not pass a law to ban 2,4-D?

Mr. Freese: Perhaps. I am not a legal expert, so I could not say.

Ms. Yukimura: Okay. Since I only have one (1) chance—that is why I am asking...

Chair Furfaro: That is all you have—one (1) chance.

Ms. Yukimura: Okay. Dr. Steiner, were you saying that potassium and phosphates are nonrenewable resources?

Mr. Steiner: That is correct. They are minerals that are mined, and when those mines run out, we are done.

Ms. Yukimura: You just raised a really interesting issue for me. We already know what the pineapple companies did to the soils here, and I think that we have had many problems with pesticide water contamination from chemicals used for pineapple cultivation. There is an issue as we talk about food self sufficiency, as you point out, "What do we do when the soils are left damaged?" You are saying that...or it seemed to be implied that with the limited levels of potassium and phosphates, we would be in a very difficult position with contaminated soils and lack of ability to rehabilitate our soil so that we can grow food on it? Is that what you were saying?

Mr. Steiner: Yes. That might be a long term kind of effect that we would see. It would be an effect that would gradually result in less and less productivity on the land. You have to remember that when you raise GMO crops, there are ways that GMO material can get into the bacteria via viruses or some other source into our soil microflora. Those things in the soil could then go somewhere else. In fact, in your packet that you will get, you will see that there has already been instances of what is called "lateral or horizontal transmission" of genetic material into other organisms that includes from fungi to insects, for example.

Ms. Yukimura: That is a whole separate issue.

Mr. Steiner: It is.

Ms. Yukimura: I thought we were talking about pesticides and herbicides, and if you are talking about GMO organisms, to me we need another time to talk about that.

Mr. Steiner: I am also talking about plants that have these pesticides inherent in their genetics. Those microorganisms are picking up that inherent genetic material that was put there by people wanting to put the pesticides ability into the plant.

Ms. Yukimura: Okay.

Mr. Steiner: It is a double edged sword. You have to be careful about it, too.

Ms. Yukimura: Thank you. My last question is for Dr. Freese. Can you tell us how states have responded to EPA deficiencies?

Mr. Freese: Yes, I can give you a brief run down. Seven (7) states have enacted buffer zone requirements, very similar to the ones in Bill No. 2491, and most of them are around schools, hospitals, and/or nursing homes. It prohibits pesticide use within a certain distance of these institutions to

protect kids, the elderly, and the sick. The distances vary. Some of them are prescribed a distance of actually up to two (2) miles in some cases or lesser distances. The other is notification requirements, notifying the public in the area where the spraying will take place. I believe eight (8) states here have requirements of that sort. On the County level as I mentioned, the ones that I know of are restrictions on 2,4-D is in particular at the County level. That is to protect actually against crop damage to neighboring crops. I think it is even more important that we think about protecting people from drift.

Ms. Yukimura: Thank you very much.

Chair Furfaro: I just want to remind both of you gentlemen, that members of my Staff would like to collect your documents today to circulate to all members. Mr. Kagawa, you have the floor.

Mr. Kagawa: Thank you, Mr. Chair. You come to Kaua'i because you want to try and help Mr. Hooser and Mr. Bynum pass something that is monumental, I think for the nation. Have you brought your presentation or materials to Governor Abercrombie or our Kaua'i Representatives like Senator Kouchi like our Congressional Delegation? Have you brought this same presentation to them?

Mr. Steiner: I have not been asked to present that material to them, but I have presented it to the Hawai'i County Council that were considering a bill over there.

Mr. Kagawa: Why would you not present these things? Governor Abercrombie has the same stance of Senator Hirono and I think the rest of the Congressional Delegation, who are waiting for more facts or evidence. You seem to have some facts and evidence. The State and the Federal government oversee the agricultural pesticide business. I would think that the most efficient way for us to manage the pesticide and agricultural business would be through the agencies that serve it. The worst they could say is that your presentation did not change their minds, but they keep saying in the newspaper articles, to us face to face, that they are awaiting more facts and evidence. If you guys are trying to help us fix this issue, I would think that you would go to the main people that oversee it.

Mr. Steiner: Two (2) comments there. One (1) as I said, I have not been asked to personally come forward and testify. I did testify on GMO taro at the State. I was asked to come and do that, but I have not been asked to testify any other way. The materials are available to anybody who wants to look on the web. All you have to do is know how to ask the question. Finally, when you mention government agencies, Bill brought up some interesting things about EPA, but USDA has been working hand in hand with Monsanto for years. When I was in USDA, which is right down the road from St. Louis where Monsanto has its headquarters. At that time, there was joint research going on between my organization and Monsanto to develop genetically modified plants. For these organizations to be hand in hand like that, you know that regulation is going to kind of go out the window. You have got to be careful about working with these. In fact, USDA has come under short criticism for that, and so has the Food and Drug Administration (FDA), which proves food use of those (inaudible).

Mr. Kagawa: Basically, what you are saying is that you are here at the County to try and work with us because you believe they are corrupt?

Mr. Steiner: That is putting it a little bit harshly, but the shoe fits. Let us be honest, the research that has been done in genetically modified organisms and the USDA has benefited; Monsanto and other companies like that.

Mr. Kagawa: You do not want to try and fix the corruption? You think just going around the corruption is better than fixing the corruption?

Mr. Steiner: How can one (1) individual fix the corruption? Unless you take it out to County Councils and get everybody involved.

Mr. Kagawa: I think you start by at least presenting your materials to the Congressional Delegation and give them a chance.

Mr. Steiner: Similar material I spoke about is this US material. The upcoming research—new research has been done in 2011, 2012, and 2013. Many of the stuff that I told you today were done in 2013. This is new material, and you will see more of that material in the future. Next year, you will see ten (10) times as many papers the year after that, and the year after that. Everybody is realizing this is a problem and we better look at it. We better look at the total ramifications, and not just one (1) or two (2) things.

Mr. Kagawa: Well, here is my thing; they have the expertise, the doctors, and the scientists there. You said they are corrupt.

Mr. Steiner: I am not saying that they are corrupt; you are saying that.

Mr. Kagawa: Okay. I said it. The problem is though that we have zero scientists and zero doctors in the agricultural field of the Kaua'i County and now we are going to manage that business? We are broke. How are we going to do it?

Mr. Steiner: I sat here and listened to you have a hearing with a group that was coming in and trying to find you grant money. All you have to do is formulate some questions to take to the group to say, "Can you find us money to do this kind of work?" There has been talk about doing surveys on the health of children here. I have heard some of that talk, but you need to establish a baseline first because you need to know what, for example, the exact figures are of antihistamine levels in children's blood before and after an insecticide release. That is hard science. That is irrefutable science, and that is the kind of direction you need to take.

Mr. Kagawa: Thank you.

Mr. Freese: Yes, if I could just add, for The Center for Food Safety, we have worked a lot on regulation of genetically engineered crops at the Federal level, and we most often found very little willingness to kind of consider some of the facts that we are presenting to you. The other thing is that I am here kind of at the invitation of other groups, so I do not think it is my place to go

directly to the State, when there is no vehicle to actually do this sort of regulation that is being proposed here.

Mr. Kagawa: If I may? I think it is appropriate, if you can fly all the way to Kaua'i and come and spend all of that money to testify here, I think you can make a call to the Kaua'i Delegation, as well as our Hawai'i Representatives, and tell them that you have some serious concerns about Kaua'i. I think they would really appreciate it. Just to let you know that I do not think it is stepping out of bounds at all.

Chair Furfaro: Gentlemen, just on the follow-up on Mr. Kagawa. If you could send some information to me, I would appreciate a better understanding as it is outlined in this bill. What kind of personnel with what kind of skills would be necessary to administer any type or form of this law for the political subdivision called the County of Kaua'i? Also, what kind of people would we need to have on our Staff, that would be qualified to review any of the data that is collected regarding soil, dusting, water testing, air, and others? If you could just send it to my attention as a question, I would appreciate it. Mr. Bynum, you have the floor. It is your turn.

Mr. Bynum: I want to thank you for being here. I am going to keep it brief. There are a million of things that I would love to ask you about, but I will focus on just one (1). You mentioned 2,4-D that the EPA, I read said, "No, you cannot sell 2,4-D ready corn to the farmers next year?" Are you aware of that?

Mr. Freese: Yes.

Mr. Bynum: As far as I know and all of the reading I have done, that is the first time I saw EPA say and even slow down, much less "no." What I read said Dow has this new product 2,4-D ready corn that they want to market to farmers. EPA said, "No, because we are not convinced that it does not constitute some threat to health and safety."

Mr. Freese: It is actually the USDA, which has jurisdiction over the crop, but they are collaborating with EPA on a much more independent issue.

Mr. Bynum: I have been following this GMO issue ever since I have been a Councilmember, and even before. Eight (8) years ago, the seed industry's number one (1) crop was Roundup ready corn. Right? We said, "Biology 101—you put this genetically modified thing out there. Does nature not adapt? Are we not going to have weeds that will adapt to this genetically modified..." They said, "No, do not worry. We have got that covered." Now, here we are. Dow, the competitor, is saying, "We need this new product because there are these super weeds and it is an increasing problem. The Roundup ready corn is not working. We need this new 2,4-D..." Where did they test that? Where did they do the open air testing for 2,4-D that they will not allow them to do on the mainland?

Mr. Freese: It is quite interesting. If you look at what little information USDA shares on field tests, there are a ton of field tests for herbicide resistant corn on Kaua'i, but in every case, Dow claims that the identity of the herbicide...the corn's resistance to is confidential business information. I think

it is 2,4-D. I am almost sure but again, they are allowed to keep this information from us.

Mr. Bynum: Do I have this right? The industry years ago told us "no problem." Now, the competitors are saying that "your product is no longer functioning properly." Have I got this right?

Mr. Freese: This is correct. It is really ironic because you are right. There is an epidemic of Roundup resistant weeds and regarded as one (1) of the biggest problems in agriculture. Everyone knows it was fostered by these Roundup ready crops. As you said, there was actually an article in the Wall Street Journal where a Dow scientist was just gloating. He said, "Because of these weeds, it is a new era. Chemical companies have these wonderful, new opportunities because of the resistant weeds."

Mr. Bynum: I do not mean to interrupt, but I want to be quick. Is it true that 2,4-D is a more toxic herbicide than Roundup?

Mr. Freese: I think everybody agrees that is the case.

Mr. Bynum: It is one (1) of the two (2) ingredients in Agent Orange?

Mr. Freese: Yes, and it is still contaminated with low levels of dioxins.

Mr. Bynum: My assumption—I am not a scientist, but if I have a new corn that resists 2,4-D, I going to want to plant ten (10) or twenty (20) test fields, douse this one with very high amounts, moderate amounts, and small amounts because how else do I test how resistant? Is that a reasonable assumption?

Mr. Freese: Yes it is.

Mr. Bynum: It is a reasonable assumption that open air testing of that product most likely occurred on Kaua'i?

Mr. Freese: Yes, I think it is very likely.

Mr. Bynum: The USDA just told American farmers, "No, we are not going to let you use this product in the open air because we are not convinced it is notice a safety threat." Have I got all of this correct?

Mr. Freese: That is correct.

Mr. Bynum: That is just one (1) of one hundred (100) examples—I appreciate where you pointed out that this issue has emerged on an international/national level dramatically in just the last three (3) to four (4) months. Is that an accurate statement?

Mr. Freese: Yes, there is a tremendous interest in labeling in many States.

Mr. Bynum: Part of my due diligence as a County Councilmember is to understand these issues. When I came on the Council, the seed companies came to me and said, "You need to understand these issues." I agree with them. That is why I have been doing a deep study for eight (8) years, and things have changed, correct?

Mr. Freese: Yes, definitely.

Mr. Bynum: Thank you. I am done.

Ms. Nakamura: If there are no further questions, let us go on to public testimony. Thank you very much, gentlemen, for being here.

Mr. Freese: Thank you for having us.

Ms. Nakamura: Can you please read the name of the first two (2) speakers?

SCOTT K. SATO, Council Services Review Officer: Our first registered speaker is Bonnie Bator, followed by Dorothy Alohalani Kaliloa.

Ms. Nakamura: Look for the light and introduce yourself. You will have three (3) minutes.

BONNIE BATOR: For the record, my name is Bonnie Bator. Thankfully, I live in Anahola Village and work in Special Education at Kapa'a High School. It is with deep appreciation that I have the opportunity to be here to represent myself and my *'ohana* to support Bill No. 2491. We wholeheartedly support Proposed Draft Bill No. 2491. This bill hopefully will stop the five (5) commercial ag companies from collectively each year using three point five (3.5) tons of restricted use pesticides on our island. Three and a half (3.5) tons of restricted use pesticides used annually not only contaminates our *keiki* and *kūpuna*, but the *'āina*, and also ends up in the ocean. The Hawai'i Health Information Corporation, June 25, 2004, Issue No. 4 stated, "Kaua'i County residents have the highest asthma hospitalization rate of all Counties with hospitalization rates among children zero to four (4) almost two (2) times greater on Kaua'i than Honolulu, Hawai'i, and Maui Counties. Between 1995 and 2002, asthma hospitalizes increased nearly twenty percent (20%) among the elderly. In 2002, one (1) in five (5) hospitalization asthma patients were sixty-five (65) years of age and cost on the average, twice as much to treat per stay. Additionally, the Hawai'i Department of Health, Health and Vital Statistics stated, "Among the islands, Kaua'i has the highest asthma prevalence rates." Autism is rapidly increasing. It is about one (1) in every eighty (80) births. Pesticide use is linked to Autism. Toxicity in our environment, pesticides, and especially the restricted use pesticides is also associated in the cause of various developmental disabilities in birth defects." We hope that the five (5) commercial ag companies contribute to the cost of compiling an environmental impact statement on their industries' effect on the health and environment here on Kaua'i. Profits of these multibillion dollar industries have been made at the expense of Kaua'i's people and of beautiful Kaua'i. We are proponents for the moratorium, as written in Bill No. 2491, concerning GMOs on Kaua'i. A big *mahalo* to Councilmember Hooser and his bravery to introduce this ordinance and stand up like "David versus Goliath." These four (4) multibillion dollar commercial ag companies are extremely powerful. That is why they have had free reign in spilling highly toxic, poisonous pesticides/chemicals, not

just on Kaua'i, but elsewhere, too. Members of Kaua'i County Council, please vote for passage of Bill No. 2491 in its entirety. *Mahalo.*

Chair Furfaro: Thank you.

Ms. Yukimura: I just want to ask if her written testimony can be submitted.

Chair Furfaro: I want make a suggestion here. Excuse me, young lady, I am sorry. I did not get your name. I know you from Anahola, but is your testimony in writing?

Ms. Bator: I handed it in and it got stamped. I got to run to get my granddaughter. She is at summer school at Kapa'a Elementary. *Mahalo.*

Chair Furfaro: Thank you. Now to the question about asking questions. I just want to make sure that everybody understands that this could be a very long day for testimony. We are only taking three (3) minutes. If anybody wants to submit written testimony, they can now, and they can in the very near future. On that note, we will try to keep our questions limited so that we can move forward.

Mr. Sato: We have Dorothy Kaliloa, followed by Lorilani Torio.

DOROTHY ALOHALANI KALILOA: *Aloha. 'O ko'u inoa 'o* Dorothy Alohalani Kaliloa. *Noho au ma* Kekaha, Kaua'i. *Ua hānau 'ia wau ma* Ni'ihau, *a mālama 'ia ma* Kaua'i *nei. No kanalimakūmākahi makahiki. He mana'o kū'ē ko'u no kēia pila 'elua 'ehā 'eiwa 'ekahi a kāko'o wau 'ia* Dupont Pioneer. *Ka hui hana auē hana nei. Hana nei au i kēia hui no 'eiwa makahiki. Inā lā pō, ua noho au a hana i loko i kēia hui a pa'a i loko o kō lākou hui waiwai. Mahalo i nā po'e, ka maluhia, ka mana'o ki'eki'e, a me ke ano o ka noho ana o nā kanaka lawelawe. Ua mālama a kōkua kēia hui i ka 'ohana me ka manawa a ua hānai a hiki i kēia manawa. He limahana hau'oli au a kāko'o au i kēia hui i* Kaua'i *nei. Kōkua kēia mau hui i ka mālama 'ana a ho'ona'auao i nā limahana wehewehe lākou iā mākou e pili ana i nā hana a mākou no e hana i kō mākou mana'o. 'Elua mana'o nui o ko'u kāko'o 'ana i kēia hui 'o* DuPont Pioneer. *Ua kāko'o lākou a ho'opono ia'u a me ko'u 'ohana no 'eiwa makahiki a hau'oli au i nā hana a mākou e hana nei. E hana nei mākou me ka 'ike* (inaudible) *a'e e kōkua i nā kanaka mahi'ai o ka 'āina a e kōkua nei i ka po'e aupuni ka honua nei. I ko'u hō'ike pōkole i ka* (inaudible) *e kēia pila 'elua 'ehā 'eiwa 'ekahi. I* (inaudible) *kāko'o i ko'u 'oihana mahi'ai a me ka hui ma* Kaua'i. *I ko'u mana'o, he mea maika'i 'ole kēia pila 'elua 'ehā 'eiwa 'ekahi. No kēia mua iho ka 'oihana mahi'ai 'o* Kaua'i. *Aloha. Mahalo.*

Chair Furfaro: *Aloha, mahalo.* JoAnn?

Ms. Yukimura: Ms. Kaliloa, thank you very much for being here and testifying.

Ms. Kaliloa: *Mahalo.*

Ms. Yukimura: Forgive me, but I do not know Hawaiian, so could you just tell us—I just want to make sure where you stand on the bill.

Ms. Kaliloa: I just passed on my testimony onto Councilmember Kagawa.

Ms. Yukimura: Okay. We will get it translated. Thank you.

Ms. Kaliloa: You are welcome.

Chair Furfaro: Thank you. We will have someone translate accordingly. *Mahalo.*

Mr. Sato: Next speaker is Lorilani Torio, followed by Lana Simola.

LORILANI KEOHOKALOLE-TORIO: *Aloha mai kākou.* My name is Lorilani Keohokalole-Torio. I am a *kanaka maoli* mother of four (4). Our *'ohana* works daily on the *'āina* in Halele'a to gather food from the *'āina* and the waterways to sustain our family. We also collect honey from bees island wide. All of these interactions bond us and keep us living off the *'āina* and feeding our *'ohana.* In my 20's and 30's, I aspired to be a career woman. I was educated in the Western world, and still consider myself a lifelong learner and cultural practitioner. Now in my mid 40's, my greatest accomplishments have not been running a corporate company or heading a non-profit or managing my own personal business; my greatest accomplishment is being a mother. In this huge unpaying role, I have called on all my skills from my Western teachings as well as my cultural teachings to raise my children with my husband. The largest and most innate skill is protection. Protection of one's children is the highest priority. We choose early on to birth our children on the *'āina*, so we moved away from Western practices to give our sons that ability to connect deeply; to connect with the *'āina.* I believe that my children and the well being of all of Kaua'i's children is being compromised by the uses of restricted pesticides. Open air testing is the biggest concern and the areas in particular like schools, playgrounds, beaches, hospitals, and generally anywhere children will be. Schools in Waimea, Kekaha, Island School, Kawaikini Public Charter School, and Pūnana Leo 'O Kaua'i major concerns for myself and my family. Clearly marked and designated buffer zones need to be put in place as soon as possible. In closing, Bill No. 2491 is not about small farmers or the usage of over the counter, store bought pesticides. Please support this Bill No. 2491. *Mahalo.*

Mr. Sato: Our next speaker is Lana Simola representing DuPont Pioneer, followed by Taryn Dizon.

Chair Furfaro: I have a housekeeping issue to the Sergeant of Arms, Eddie. Please make sure that the seats are filled because having more than ten (10) people up there is indicator to me that we are in compliance of the Fire Code. Next speaker, please come up.

LANA SIMOLA: Good morning. My name is Lana U'ilani Simola. Good morning, Council Chair and Councilmembers. I strongly oppose Bill No. 2491. I am of Native Hawaiian decent and have been a resident of Kaua'i my entire life. I was born and raised on the west side of Kaua'i, with the only exception when I attended Kamehameha. I have six (6) children, two (2) grandchildren who are also Natives of this island as well. My family has been involved with agriculture for generations. We have worked with everything from taro to harvesting salt beds of Hanapēpē. I am proud to say that I now work at

DuPont Pioneer and that I am helping to continuing the legacy of our ancestors by supporting farming. Producing food and taking care of our island is important to all of us. My family and I believe that we must keep the old traditions alive, but we must also embrace new technology that helps not only Kaua'i, but the world as well. Bill No. 2491 unfairly confuses GMOs and pesticides and it is not good for the future of Kaua'i. It will require all of us to pay money in order to duplicate what the FDA, EPA, USDA, and HDOA already do. It also puts my job and my family's future in jeopardy. For all of these reasons, I strongly oppose Bill No. 2491. I would like to add a few things. There is no secrecy involved with what we do. Our records are available to the public. You just need to come to our station in Waimea. Have any of you been to our station? Our records are public. We would be more than happy to show you if you have not been to our station. We welcome visitors and give tours of our facility every day. I choose to work for this company and made a life for myself and my family. My daughter already has plans to attend college and return to Kaua'i for employment in agriculture. We talk about protecting our island, protecting our children, protecting our environment, and protecting future generations. Why would I work for a company that does otherwise or a company that would hurt me or my children? That is crazy. Bill No. 2491 is an attempt to wipe out agriculture from Kaua'i, and I am against it. My family is against it and I can say the same for many relatives and friends throughout the island of Kaua'i. I am proud of what we do. I am proud of my station. There is no shame in anything that we do. Have you ever heard that term "shame is when you steal?" Well, Natives to the island know what this means. I believe in our practices and I believe in what we do. A lot of us have been quiet and have believed in the system, and have hoped that the right decisions would be made. We are not going to keep quiet any longer so this is my voice, and believe me when I say there are many more of us in opposition of this bill.

Chair Furfaro: Your time has just run out. Thank you very much for your testimony. Mr. Clerk, next speaker.

Ms. Yukimura: Can she just...

Chair Furfaro: I am going to respond again. Please, if you are prepared to share your testimony, give it to our Clerk's Office so we can make copies. I am asking that of every speaker, if you have written testimony.

Ms. Simola: I sent an E-mail as well.

Mr. Sato: Next speaker is Taryn Dizon, followed by Sol Kahn.

Chair Furfaro: Excuse me. Do you have a question?

Mr. Hooser: I have a Point of Personal Privilege.

Chair Furfaro: Go ahead.

Mr. Hooser: I want people to speak and I am not going to say anything further. But if addressed a specific issue like "did you do something?" I feel compelled to respond. I want to say for the record that I reached out to every single company and asked them for the information of what they are spraying, what they are growing, where they are spraying it, and not one (1) of those companies

provided that information to me. Just for the record, I did reach out in writing to all of the companies. Thank you.

Chair Furfaro: Thank you, Mr. Hooser.

TARYN DIZON: *Aloha.* Chair Furfaro and Honorable Councilmembers, thank you. My name is Taryn Dizon. I have lived on west side of Kaua'i my entire life and I strongly oppose this bill. Combined, the local seed companies invest an estimated fifty million dollars ($50,000,000) into our economy towards our island and directly employ six hundred (600) local employees. That is the direct without looking at the indirect of their cascading efforts. As that result, the west side of the island has the lowest unemployment rate for the island. This environment provides a stable economy for our local businesses and community to thrive on the west side and where we do business. I agree that protecting our *'āina* for future generations is vital to us all; I agree. That is why myself and many local residents are proud to work in the seed business. We have a choice and we choose to work in a business that supports agriculture for all of Kaua'i and develops technology that helps every farmer to be more successful and grow crops more safely. History shows that agriculture was the first thriving industry on Kaua'i. I hope that we will be able to continue to follow the farming traditions our ancestors have laid the infrastructure for us, which is amazing, if you ever had the chance to get into the Waimea Canyon Valley and see how that water is given to the whole west side—all the way out to Polihale that water comes out. We did not do that in our generations that we see here. That is what our ancestors laid. The seed companies sustain those efforts that were laid by our ancestors. As a local resident, the seed business has given me a great opportunity on the island with limited career paths. I have the privilege to work with people every day that actively support this community with community outreach and the knowledge that I have learned from the business on making me a professional businesswoman. I then take it out to non-profit organizations and use my experience that I have learned and put it into the community as well. I am very proud that I was developed, and I get to share that with the non-profits that we have on Kaua'i, as we are limited to resources on the island. At the same time, I am able to provide to my *'ohana* and my *keiki* for our future generations.

Mr. Sato: Three (3) minutes.

Ms. Dizon: In summary, I believe this is a waste of our tax money because it duplicates our Federal efforts, so we are paying twice. This bill will not only jeopardize, but detriment our future for our island and our agriculture for Kaua'i.

Chair Furfaro: Your time is up, I am sorry.

Ms. Dizon: Thank you, Chair.

Chair Furfaro: Thank you for your testimony.

Ms. Dizon: Any questions?

Chair Furfaro: Thank you very much. Next testifier, please.

Mr. Sato: Next speaker is Sol Kahn, followed by Hector Valenzuela. I do not have it written down on paper to give to you. Happy Birthday,

Mr. Bynum. Thank you, Councilmembers, for allowing me this opportunity. My name is Sol Kahn.

SOL KAHN: I am born and raised in Wailua Homesteads. I have really strong ties to this island. My biggest question is I want to ask you what is the cost? What is the cost? How much money do I need to poison the *keiki* here? How much power do I need to poison this entire island until we ruin it, just for the sake of jobs that we can recreate in another way? What do I have to pay to spray experimental chemicals all over the island, near waterways, near schools, near families, and homes? How much? What is the price on paradise? Sorry, it is hard for me to do public speaking, but this is really strong for me. I am not going to look at that. We grew up together—that is my aunty; that is my uncle; those are my cousins. This is destroying the island. This is destroying the island. It is killing land. It is going in the water to the rivers. The reefs are dying. The turtles are dying. The *wana* are dying. How can we do this? For money? For jobs that we can recreate? I feel for the families on the west side that are getting sprayed and also for the families that are scared to lose their jobs over this. What is cost? What is the price we are paying here? We are killing this island off—our *keiki*, our children, the next generation. They are not going to have an island anymore. It might be one hundred (100) years, but that is just one (1) generation. Gone. That is my life. After that, what do I live for? A dead island. Poisoned reef. These fishermen are going to be bummed. Everyone is going to be bummed. We do not have time. This is not something that we can just talk about and mosey on over. This is serious. We do not have much time left. There are a lot of poison being sprayed...a lot. It is going on kids next to schools and next to Kukui Grove where everyone is shopping every day. These sprays just do not stay there. They evaporate. They go into the atmosphere and they come back down to us. They stay in our soil. They kill the microorganisms. This land is not going to be good anymore. It is prime agriculture out there. A lot of these people, I see out on the west side. I was born and raised here. I know almost everyone by face at least. I have never seen these people before. They do not have the connection to the land. They do not care. They come over here for profit. That is all they come for. They come to go kayaking, surfing, and hiking. They love it, but in the meantime they are dumping poisonous chemicals by the ton on the soil. They do not care. They just want to be able to say, "I live in Hawai'i. I go surfing and hiking. It is awesome." They do not understand what it is like. We love the island. Thank you. Do you guys have any questions for me?

Mr. Sato: Next speaker is Hector Valenzuela, followed by Fern Rosenstiel.

HECTOR VALENZUELA: Hi. My name is Hector Valenzuela. I have been a Professor in Crop Production at the University of Hawai'i for about twenty (20) years, but I am giving my personal opinion today. For my Master's Degree, I started Integrated Pest Management (IPM) and Crop Production. For my PhD, I studied Crop Production for Tropical Areas. The chemical industry claims that in Hawai'i, they are following an Integrated Pest Management approach. IPM is a management approach where all control strategies are considered for controlling the key pests and pesticide are only left as a last resort. You would follow cultural practices, physical practices, biological control, and if everything else fails, you would consider as a last resort, the use of pesticides. If you did have an IPM program in your farm, you would have a pretty detailed document or manual detailing all the production practices you are following from the beginning to the end of your production period...detailing how do you manage? How do you fertilize

the plants to make healthy plants? How do you control all the pests? Following alternative practices and until the end, you follow IPM. I know disclosure is an issue but I would be happy to see such a document showing the IPM practices used by the chemical industry in the State. A series of epidemiological studies has started to come out throughout the world from pesticides used by the biotech industry. As an example, a (inaudible) study was published earlier this year and documented a direct correlation between pesticide exposure in rural areas including the fieldworkers, including the families of the farm workers, pesticide residues in the blood of the family members, and the higher incidence of brain tumors and development in children. A publication just came out this week from Latin America from pesticides used by the biotech industry in Latin America. They have also—epidemiological studies that have also shown a series of health adverse effects, including genetic or Deoxyribonucleic acid (DNA) damage, respiratory, and dermatological or skin disorders. The industry claims that they are following the law and that they are following pesticide labels; however, it is their responsibility to make sure that they are following best management practices to make sure that they are not damaging the environment, aquatic habitats, and human health. We know from the Plantation Days that the sugar plantation also followed the law on pesticide and pesticide labels.

Mr. Sato: Three (3) minutes.

Chair Furfaro: Your three (3) minutes is up, so can you please summarize?

Mr. Valenzuela: However, we know that the pesticide in the plantation industry did fail to protect the environment and human health, even though they did follow the pesticide laws. The question is, do we want to repeat the same mistake that we did with the plantations or do we want to take measures to prevent those? Thank you.

Chair Furfaro: Thank you. That was your time. I have two (2) questions for you; one (1) from Mr. Bynum, followed by Councilwoman Yukimura.

Mr. Bynum: Professor Valenzuela, thank you for being here today. I have read some of your papers. I just have a question about—I read these—so recently, the County helped to fund a study that I will talk about later, but they found levels of certain chemicals in the ambient air and levels of certain chemicals in the water. How are those levels that are deemed "safe" determined? Is there an issue with that?

Mr. Valenzuela: Yes. These levels of safety are determined based on studies, animal health, exposure levels, and what is considered safe. However, we talked earlier about the close relationship between companies and the regulators. In the past with the rate of pesticides, we have seen that this influence has had an undue influence on regulators in terms of determining the proper safety levels. Initially, the government wants to set it on a low level but the industry pressure ends up raising that level of safety higher up.

Mr. Bynum: You are a professional at the University of Hawai'i, correct? Are you in the college of tropical agriculture? What division of the University of Hawai'i do you work in?

Mr. Valenzuela: I work in Crop Production; growing crops.

Mr. Bynum: Because the seed companies give very large amount of money to the University of Hawai'i, correct?

Mr. Valenzuela: Correct.

Mr. Bynum: Is your research funded by the seed companies?

Mr. Valenzuela: No, it is not. I have worked in seed variety trials, so I work with seed companies. Today, a lot of seed companies that I work with now belong to the GMO companies.

Mr. Bynum: Okay. Thank you.

Chair Furfaro: Councilwoman Yukimura.

Ms. Yukimura: Dr. Valenzuela, thank you for being here. I appreciated earlier when Councilmember Hooser explained the restrictions of the Sunshine Law so that—he explained that none of us have seen the bill until all the public saw it. One of my concerns about the bill—we are all trying to do our due diligence on it, is how we would do these studies about impacts? You mentioned pesticide residues in blood. They do not break down? You can actually detect pesticides in blood?

Mr. Valenzuela: It depends on the individual chemical. For some of them, you can detect tests for the chemical itself or you may have to test for the secondary products.

Ms. Yukimura: Even for the two (2) experts before us—I think it was Dr. Steiner, who said that you have to get a baseline of before and after, but the question is before and after what? Just because you established that there is say pesticide levels in blood, how do you know what caused that pesticide level in blood or even asthma or those kinds of things? Do you know of studies where peer reviewed that have shown reliable conclusions about those studies?

Mr. Valenzuela: The epidemiological studies that I made reference to, those are used in control groups so they are using similar groups of people not exposed to chemicals. That is the control group. You can test their blood. They do not have the similar level of pesticides so you can make those levels of correlations. I should indicate that for the studies in Latin America, they are not looking at one (1) pesticide, but they are looking at a complex of pesticides because they realize that the community is getting exposed to five (5), ten (10), to twenty (20) different products.

Ms. Yukimura: There would be that cumulative or interconnected effects that you do not get from just one (1) pesticide?

Mr. Valenzuela: One (1) single product, correct.

Ms. Yukimura: How long do these studies take and how much do they cost?

Mr. Valenzuela: I am not an epidemiologist, so I cannot tell. You would have to ask Dr. Lauren Pang about that.

Ms. Yukimura: Okay. Thank you very much.

Chair Furfaro: I have a housekeeping announcement here. We are going to break at 12:30 p.m. When we break at 12:30 p.m., I am shortening the lunch hour so that we can get back to other business at 1:15 p.m. For the audience, I will continue to be taking testimony as we recess here, but probably not until about 5:30 p.m. I want to share that with you. There is much business in front of the Council that has some deadlines on that we have to address. Again, I will recess until 5:30 p.m. after the next speaker.

Ms. Yukimura: Chair?

Chair Furfaro: Yes.

Ms. Yukimura: But people do know that you can testify at the public hearing of the date of which was just said?

Chair Furfaro: I think I announced that earlier.

Ms. Yukimura: I think we might have to say it again.

Chair Furfaro: Again, for those...

Ms. Yukimura: July 31st...

Chair Furfaro: Are you finished? I have instructed the Clerk not to take any more business after the 31st. Our last speaker for today will be Mr. Ritte from Moloka'i because he is traveling. I understand the two (2) gentlemen that were the guests today will be leaving on a flight at 3:30 p.m. For the questions that I posed you, I will be giving you my business cards to answer those questions about expert staffing. Go ahead.

Mr. Hooser: Just a clarification on the schedule so we are all clear. We are going to recess after these, do our other business, and then at 5:30 p.m., the public can come back if they want to continue testifying.

Chair Furfaro: Yes.

Mr. Hooser: Otherwise on the 31st, the public hearing would be scheduled at 1:30 p.m. Thank you, Chair.

Chair Furfaro: Another question? Mr. Bynum.

Mr. Bynum: Just a point of clarification, I am also assuming as Ms. Yukimura is that our standard practice of approving a bill on first reading to allow due diligence to happen is what will happen today. That is my assumption. I have been surprised before. My assumption is like JoAnn's, that the Council will pass this at first reading to get to public hearing, and allow us to have a much richer dialogue in the future. It is not a guarantee, I guess, is what I am saying. You never know until the votes are counted.

honor Wallace "Mito" Sonoda for his dedication and contribution to the Kaumakani community. Be it further resolved, that a copy of this Resolution be forwarded to Mayor Bernard P. Carvalho, Jr., with a request that the appropriate plaque and signs be erected at Kaumakani Softball Field to proclaim his name. Be it finally resolved, that a copy of this Resolution be forwarded to Wallace "Mito" Sonoda, Director of Parks and Recreation Leonard A. Rapozo, Jr., and Mayor Bernard P. Carvalho, Jr. Introduced by Ross Kagawa.

Mr. Rapozo moved for adoption of Resolution No. 2013-58, seconded by Ms. Yukimura.

Chair Furfaro: Mr. Kagawa, if you would like to have representatives come up, it is your call, it is your Resolution.

Mr. Kagawa: Thank you very much, Mr. Chair. Mr. Sonoda and Mrs. Sonoda, if you guys want to come up and at say a few words. Coach Smith.

There being no objections, the rules were suspended.

ALLAN SMITH: Good afternoon. Very outstanding, willing, and Honorable members of the Council, what you are enduring today is commendable and we are happy that you are doing this for the people of Kaua'i. Before I get to it, I have been asked by the Sonoda family and the Rookies, which almost completely fills this room, that they are indeed very honored. Just twelve (12) years ago, he was recognized here by the Council for his outstanding ongoing work at the park and today, the naming of the park in his honor is in process. They are very grateful for that. I would like to introduce to the Rookies, but representing the members of the club, the President is Jim Bennett. Would you please come right up and say hello and represent the rest of the club? The club is not only comprised of softball players, but as can you see, the *'ohana*; the families, the aunties and grandchildren are here also.

JAMES BENNETT: Hello, Councilmembers. My name is James Bennett. I am the President of the Rookie's Senior Softball Club. I would like to say how pleased I am that this is brought up and because of all of the work that Wally has done to maintain that park. I have been a member of the club for about six (6) years now, and long before that, Wally was the one who was taking care of the park. Like it said in the proclamation or whatever, that this park is known throughout the State of Hawai'i. Last year when we hosted the State Tournament, we had several teams from off island that came up to me and told me about how nice our park was and they called it the "Field of Dreams," like the movie. They were wondering how come they were not playing in that park because everyone likes that park so much. I just wanted to say how happy I am and the Rookie team that this is being brought forward. Thank you.

Mr. Smith: Thank you, Jim. Being Wally, one of few words, he has asked me to thank you all and the people of Kaua'i very much. They were very honored to receive this recognition.

Mr. Kagawa: Thank you. Wally, before I go to other members, I wanted to show a little bit of what it looks like with a slideshow. We are going to change that to "Wally Mito Sonoda Field, Home of the Rookies." That is the different banners displayed during home games. It comes at a small fee, but

as you can see it is well worth the donation. Look at that field. It is just amazing and immaculate. If you grew up on the west side playing little league ball there in the '70s, it was one of the worst fields. We did not want to play there—maybe the home team liked to play there because they had a little advantage because they knew where all the bumps were. I remember that it was not in top notch condition, but now today once Wally took over...and I must compliment Mel Nishihara back there, who was the Parks Manager and allowed and worked with Wally and let Wally do his thing. It is a great partnership that has for over eighteen (18) years has really given the County free service and outstanding use by the seniors. Look at the senior softball game today. They play serious ball and it is amazing. You go and watch them and they are like young kids playing. They play at a high level so it just amazing for me to watch. Members, anything for Wally? Wally, you want to say a few words? No? Councilmember Hooser.

Mr. Hooser: Mr. Sonoda, I want to say thank you from myself personally, my family and for all that you have done for this community and for this park. I want to remind you, if you would, that you set an example for a lot of other people. There are other volunteers in the community, but you are the lead person it seems like. You really set a fine example for others in our community. I just want to thank you very much from the bottom of my heart. Thank you.

Mr. Kagawa: Councilmember Yukimura, who was the Mayor when Wally started doing this.

Ms. Yukimura: I want to thank Councilmember Kagawa for initiating this so that we can all thank you. You said thank you to us, but really the thank you goes to you, Mr. Sonoda. It is extraordinary what you do. I do not think anybody else on this island or in the State does what you do with such price and such consistency. It is really from us to you that we say thank you very much. I also want to say that you represent this whole community ethic that has shown up in Kaumakani because more recently, the pavilion was built with such extraordinary contribution from so many different people with skills and showing up day after day, weekend after weekend doing all that work. It is such a model as Councilmember Hooser says. *Domo arigato gozaimashita.*

Mr. Kagawa: Chair Furfaro.

Chair Furfaro: Mr. Kagawa, being from the west side, I want to thank you for recognizing our need to reflect on Wally and all of his contributions to the stewardship of this field. I would refer to this field as "The Field of Excellence." Obviously, many people who play ball—they measure things like how does the ball bounce in the infield? Are there any areas that are not agreeable in the outfield where they are catching the ball? Certainly, what you have done with this park really demonstrates a great sense of pride; pride in the community and pride in our island. With volunteers, it is never measured of what they really bring to the State and this County as well because volunteers just give up on you. They do not stay with you like you have over the years to make this kind of contribution. It is really an investment that you cannot measure financially or not. I just want to personally say thank you very much for all of your sincere stewardship to this field and to your community. Mr. Kagawa, thank you for bringing this up.

Mr. Kagawa: Thank you, Mr. Chair. Councilmember Nakamura.

Chair Furfaro: It is our intention to continue at 5:30 p.m. for now. We have been known to go until quite late, but I do want to say that it is very possible at 1:30 p.m. on July 31st, this will be continued. Walter, it is good to see you. Thank you for being here from Moloka'i. You have the floor.

WALTER RITTE: Thank you. First of all, I would like to say *aloha* from Moloka'i. I know this is the Garden Isle and in Moloka'i, we are proud to say that we are "*'āina momona.*" We are farmers and we love to produce. For us, this is a very, very important issue. The reason I flew here today was because I wanted to come and support all of you because I know the pressure that is going to come down. The Federal government has punted this issue by saying that these GMOs are substantially equivalent. It is not a scientific point of view. It is a political point of view and that point of view now set the ball rolling where these things are now being okayed Federally down the line. We tried a couple of years at the State Legislature. The first year we went there, we wanted to protect our taro and we could not even get a hearing at the State Legislature. We went back again this year and we actually got a hearing in the House, and then the bill got killed in the Senate. We are beginning to get some traction and some people trying to understand this issue and trying to resolve the issue. Our job as people is to come to our government and let them know what the concerns that we have are. These corporations are here—and they are very large corporations. They are not here growing food, which is something that is the number one (1) priority for our State, which is our food security because we all know we are depending on the barge and that is a very dangerous position to put our State in. We are using our agricultural lands right now. The majority of our lands are being put into growing seeds because it is very, very profitable. Profit motivation is a very big issue and we are creating lots of jobs. On our island of Moloka'i, the largest employer on our island is Monsanto. I guess they left Kaua'i, put all of their money on Moloka'i, and became the largest entity for job creation on our island. We are very proud about *'āina momona* and our ability to produce food. Right now all of our lands—not all, but most of our lands and our water resources are being used to produce seeds. These seeds are all shipped out, they are all exported out. They are not selling anything. There is no tax base whatsoever for our County. It is just producing seeds, but they are creating jobs. You cannot take that away that they are creating jobs. Our fields on Moloka'i have always been used to create jobs. We had sugar cane; that went bust and they left. We had pineapple and they found cheaper labor in South America and they left. They left acid soils and plastic all in the ground. We could not use the soils for years and years. These companies come and go. We know that. We have a history of that. We all know that.

Chair Furfaro: Walter, to be consistent with the rules, that is your three (3) minutes. Please summarize.

Mr. Ritte: Okay. I will summarize by saying we are very, very excited about what is going on here. We hope that this body—in fact, somebody gave me this shirt when I came in. You guys have never been conquered on Kaua'i, and now you are holding the bag right now because all of the pressure is coming to Kaua'i. I am here to support you guys and say, "Do not punt this thing." Make these guys pay whatever it is going to take to make sure our health and safety besides jobs and profits are taken care of. We are here to support you guys and we know you guys will not be conquered. Thank you.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: On that note, we are in recess for business until 1:15 p.m. If there is a carryover, I do not anticipate...and I want to reemphasize the word "anticipate" us coming back to this subject matter until 5:30 p.m. or thereafter. We are in recess.

There being no objections, the meeting recessed at 12:32 p.m.

The meeting reconvened at 1:18 p.m., and proceeded as follows:

Chair Furfaro: *Aloha*, members we are very pleased to see many of our athletic personnel on the island here for a particular reason of which I will recognize Mr. Kagawa. You are going to have a resolution presented, or a discussion, but the floor is yours.

Mr. Kagawa: Thank you, Mr. Chair. Before I have the Clerk read the Resolution, I just want to give you a little background as to how this came about. When I first brought on the idea of naming Kaumakani Park after Mr. Wally Sonoda, I had to make sure that we would garner the support of the Mayor as well. I met with the Mayor and he told me that he was hesitant to name a park after a person; however, knowing that this is a really unique situation because Mr. Sonoda has donated so much years and really done it all by himself...a lot of it. I think if anybody wants to have a park named after them and they can put in the time and effort that Mr. Sonoda has put in, I welcome it. I think the County would be a great benefit of that kind of service. We welcome naming parks after people, if they can put in the time and dedication that Mr. Sonoda has put in. That is why we are here. Mr. Clerk, could you read the Resolution?

There being no objections, Resolution No. 2013-58 was taken out of the order.

RESOLUTION:

Resolution No. 2013-58 – RESOLUTION NAMING THE SOFTBALL FIELD AT THE KAUMAKANI PARK SPORTS COMPLEX THE "WALLY MITO SONODA FIELD" IN HONOR OF WALLACE "MITO" SONODA

Mr. Watanabe: Okay. We are reading Resolution No. 2013-58. Resolution naming the softball field at Kamakani Park Sports Complex the "Wally Mito Sonoda Field" in honor of Wallace Mito Sonoda. Whereas, Wallace "Mito" Sonoda, a lifelong resident of Hanapēpē, 'Ele'ele, and Kaua'i, is a dedicated volunteer who exemplifies the highest quality of community service in the care and maintenance of the Kaumakani Softball Field, the restroom facility, and pavilion without any compensation; and whereas, inspired by his love for the sport of softball, Wallace "Mito" Sonoda accepted the volunteer position of head maintenance man for Kaumakani Park after retiring from his State government job, and has spent countless hours, days, weeks, and over eighteen (18) years caring for and maintaining Kaumakani Park into the gem it is considered today; and whereas, Wallace "Mito" Sonoda is a supportive and loving husband, parent, grandparent, and relative; a coach and friend; an avid golfer; a former member of the Kaua'i AJA (Americans of Japanese Ancestry) Baseball League; and is better known to the people of the County of Kaua'i and the State of Hawai'i as the "caretaker of Kaua'i's Field of Dreams"; now, therefore, be it resolved by the Council of the County of Kaua'i, State of Hawai'i, that the softball field at Kaumakani Park Sports Complex be hereby named the "Wally Mito Sonoda Field" to recognize and

Ms. Nakamura: Thank you, Councilmember Kagawa for bringing forth this Resolution. I want to thank you, Mr. Sonoda, for eighteen (18) years' of giving back to the community, and you must have an incredible wife to give you all of this time to spend at the park. I want to recognize her as well. Just thank you so much for your dedication and really setting the bar for the rest of the community. *Mahalo.*

Mr. Kagawa: Councilmember Rapozo.

Mr. Rapozo: Thank you, Mr. Kagawa. Mr. Sonoda, can we get your wife to come sit up here? How about a big hand for the wife. I think this is like my tenth year and I do not think we have ever named a park as long as I have been on the Council. We only have so many parks and we have so many volunteers on the island. But every once in a while, there is one (1) volunteer that does so much that it warrants a park being named after you. Thank you, Mr. Kagawa, for recognizing Mr. Sonoda. I will go on the record and say that the Kaumakani Park is the best looking park or the best park on the island. It is being managed or overseen by a volunteer like you. I know for a fact that it often times takes resources out of our own pocket. I am sure over years you have spent quite a bit of money, whether it is fertilizer or using your own tools and equipment and obviously our own time, but that park is special. A lot of people talk about that park. How come all of those parks cannot look like that? Well, I know the answer now; just put Wally in the park. I guess that is my question. Which park can we take you to next? It is obvious from the condition of the park that it can be done and should be done and I wished every park could look like that, but that is not the case. The only difference between that park and the rest of the park is that you have taken ownership of that park, and the pride that you display in how that field is maintained. Much thanks to all of the volunteers, Rookies, and everybody else who spends their time at the park as well, but obviously you are the leader of that pack. To see all of the volunteers here and the Rookies and all the family and friends here, nobody is going to dispute the fact that park should be named after you. Congratulations. I will never get a park named after me. I do not spend too much time in the park, but the park will forever be named after you, and that is well deserved. I want to say thank you for your service and your time. To the wife, I know you play a big role in that as well. Thank you all and congratulations.

Mr. Kagawa: Councilmember Bynum.

Chair Furfaro: Mr. Kagawa, I was just handed a note that they need to do a tape change, and then we can come right back to you having the floor again.

Mr. Kagawa: Okay.

Chair Furfaro: We need to take a five (5) minute tape change.

There being no objections, the meeting recessed at 1:36 p.m.

The meeting reconvened at 1:40 p.m., and proceeded as follows:

Mr. Kagawa: The meeting is called back to order and we left off with Councilmember Bynum. You have the floor.

Mr. Bynum: Wally, I just wanted to thank you for all of your great volunteerism. I have heard about Kaumakani Field and sometimes I when I am driving down the Westside, I actually pull over just to look at it because you can see the community pride and you can feel it. I am serious. I have done that a couple of times. Thank you very much.

Mr. Kagawa: Councilmember Bynum, I must note that your banner is up there, so you can go look at your banner up there.

Mr. Bynum: Because of the Rookies, yes?

Mr. Kagawa: Okay. I just want to also say that behind a great man is always a great woman. Wally, your wife must be tremendous, and as long as I have known you, you are a stellar individual, the nicest of guys, and I thank you for being such a great role model for our island, our athletes, and our friends to follow. Three (3) years ago, Wally was having chemo and radiation treatment on O'ahu for a serious ailment, and he would ask his wife, Anna, to make flight arrangements to Kaua'i on weekends so he could go to the park to maintain it. That is how dedicated he is. Also three (3) weeks ago, he was diagnosed with another serious ailment requiring medication, and he still reports daily to Kaumakani Park and still maintains the field with pride. Again, it is unheard of to have that kind of dedication. Wally, thank you very much. With that, I think we need to ask for public comment. Anybody from the public? Allan, go ahead.

Mr. Smith: We would like to extend an invitation to all of you. Our last game for the senior season is July 20th at the Kaumakani field. All ten (10) teams will be there and hopefully we can schedule the unveiling of the renaming of the park at the same time. Boss Watanabe, will you remind your Council people of that invitation, and also extend it to the Administration and we will make sure we do it right. Thank you.

Mr. Kagawa: Thank you. Anybody from the public? Team members want to say anything? Come forward, please. Please state your name and testimony.

ALICE PARKER: Alice Parker, Līhu'e. I want to thank these marvelous people for the hours that they have put in, especially this gentleman. You are an inspiration to the younger generations and for the seniors who want to continue to play and be active. Thank you to your wife too because it is a partnership. Thank you.

Mr. Kagawa: Thank you, Alice.

GLENN MICKENS: Thank you, Ross. For the record, Glenn Mickens. I just really want to sincerely thank this gentleman for his dedicated hard work. I spent a lot of years taking care of baseball fields and I know what it takes to look after a field. It is a lot of work. To see that field manicured the way you have done it, Wally, it is unbelievable. Having been what you have gone through and still is that dedicated. I am just unbelievably impressed about what you have done. The mound as you know, over at University of California at Los Angeles (UCLA), we had to go buy that red clay. Here you have it as part of the soil. You have it great. Give me five (5), Wally. I really appreciate what you have done.

Mr. Kagawa: Anybody else wishing to speak on this matter? Everybody is shy. Okay. Before I turn the floor back to Chair Furfaro, I just want to really thank Joe Fontanilla from your team who has worked with me. I want to thank Aida Okasaki also, who have worked with me over the months to get this done and get it done right to give you the proper recognition. Thank you, Joe and Aida. I really appreciate it. Also members, I hope we can get a 7:0 vote. Thank you very much. Chair, I will turn the floor back to you.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: Thank you. Members, I would like to make note that as Mr. Watanabe has read the Resolution, we have a motion and a second at this point. I would like to move to vote to approve the Resolution as so read, and to you, Sir, and your family, it is with great pride that I cast my vote for this Resolution to rename the park. I am sure I speak for the entire Council as we try and will make a 7:0 Resolution on renaming the park. Would you please do a roll call vote?

The motion to adopt Resolution No. 2013-58 was then put, and carried by the following vote:

FOR ADOPTION:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: Congratulations. Before we go to any other business, Mr. Kagawa I will give you the floor one more time if you would like to have it to congratulate the whole family.

Mr. Kagawa: I just want to thank you, Mr. Chair, for supporting me in doing this Resolution. I would like to thank Wally, especially your family, and all of the Rookies. Who knows; maybe in eight (8) years I can join you guys.

Chair Furfaro: Very good. Thank you. Mr. Rapozo.

Mr. Rapozo: Mr. Chair, it is not every day that we name a park, as I stated earlier. I would ask the Chair's indulgence for five (5) minutes. I know we have a tight schedule, but as we all leave, if we can have an opportunity to take a picture with everybody on the stairs, so that this moment can be eternally memorialized forever and ever.

Chair Furfaro: I think that is a wonderful idea, Mr. Rapozo. On that note, we are going to go down to the bottom of the stairs for a photo session. We are in recess.

There being no objections, the meeting was recessed at 1:47 p.m.

The meeting was reconvened at 2:54 p.m., and proceeded as follows:

Chair Furfaro: I am calling the meeting back to order and because we are down to a few people who wish to testify today, I am going to skip around a little bit. First of all, let me announce to the members that we deferred five (5) of the seven (7) Executive Sessions earlier this morning when I gave you the overview. Subsequently, I have now heard of delays from our other attorneys on two (2) items, which I would like to defer today, but before I ask for a deferral, if there are people in the audience, I will take some testimony. To the Clerk's Office, I want to make sure that these last two (2) items that we deferred only get deferred for a week. I would like it to show up as a Special Council Meeting next week. Could you read the two (2) items, so I can give people an opportunity to testify?

There being no objections, ES-641 and ES-648 was taken out of the order.

EXECUTIVE SESSION:

ES-641 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session with the Council, to consult with Special Counsel relating to the investigation of personnel matters involving the Office of the County Auditor and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

ES-648 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8) and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session with the Council, to provide the Council with a briefing as it relates to the investigation of personnel matters involving the Office of the County Auditor and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

JADE K. FOUNTAIN-TANIGAWA: Chair, you said you wanted it to be deferred until the meeting of...

Chair Furfaro: Yes, but I just realized that July is a five (5) week month so there is no meeting next week. I want to defer it until the first opportunity at the next Committee meeting.

Ms. Fountain-Tanigawa: Which is July 10th.

Chair Furfaro: Okay, that makes it July 10th. Thank you. On that note, is there anyone in the audience who would like to testify on those two (2) items that are going to be deferred as requested? You can speak on ES-641 and ES-648.

There being no objections, the rules were suspended.

Mr. Mickens: Jay, which I presume is C 2013-225 also?

Chair Furfaro: Yes, it is the communication that sets this up so go ahead.

Mr. Mickens: Okay. For the record, Glenn Mickens. You have a copy of my testimony. I would like to read it for the viewing public. Since C 2013-225 relates to the investigation of personnel matters related to the County Auditor's Office and related matters. With the Chair's permission, I would like to expand on the subject. To date, there has been no review of four (4) of the six (6) audits that Ernie has done and I find this very disturbing. When this County Auditor's Office was formed, I was probably as skeptical as anyone that he would be a neutral, independent entity that completely researched issues and recommended ways to make this County government more efficient, transparent, and accountable to its residents. The person hired to head this Office was Ernie Pasion, who had been part of our government for almost thirteen (13) years as Deputy County Clerk, and I, like many others, was afraid that he would not be independent and subject himself to pick and choose his audits and never document the parts that show areas that need improvements and correcting. I have never been more wrong. As an example, I asked the County Auditor's Office to audit our County Roads operations that I have been complaining about for eighteen (18) years. I hope you have a copy of this. I thought it was really outstanding.

Chair Furfaro: Would you bring that up to me, Scott, so I have the one that he is referring to.

Mr. Mickens: I gave the office hundreds of papers and facts that I had to back up my concerns. The Office immediately put this issue into audit mode. The Auditor and his Staff did a remarkable audit on this repaving problem and the final audit report outlining what was and should be done was outstanding. All of the findings and recommendations of the Road Maintenance Program Audit—the Administration concurred one hundred percent (100%) and starts to implement them. I also have enthusiastically read the other audit reports and found them to be clear, concise, and understandable. I applaud the Auditor and Staff for the way they conducted and documented them. My only regret is that when these audits are brought to the Council floor to be fully discussed with the auditees, the way they should by an oversight body of the County Council, the discussion is turned instead to the Auditor, like shooting the messenger. I find that the Office of the Auditor's recommendations need to be implemented as fast as possible to streamline our government or what was the sense of having this audit function as part of County government? If this Council does not agree with the 2003 General Election mandate to establish, perhaps this Council could initiate and put it on the ballot as a Charter Amendment to undo the function of the 2014 General Election and see if the voters will agree with the wisdom of this Council. Hopefully, this Council will not in their wisdom, and instead support this important function and continue to fund whatever moneys this Office needs and asks for to be able to continue their invaluable work. I believe that the Administration must trim its expenses in other areas. To me, the Office of the County Auditor's Budget must not be cut. Instead, its staffing should be increased to be able to do more audits that will definitely have more areas improvement. Any doubts I had about Ernie's ability to do the job he was hired to do have long been dispelled, and I hope that it the Administration and this Council agree. Just considering hiring a County Manager to really implement the Auditor's findings—in other words, to put teeth into it and move this stagnated government forward. I thank you for this opportunity. I guess you definitely get my message that I am extremely happy with Ernie and the job he and his Staff has done with Lani. I think they have done a marvelous job and I just hope he has gone by the Yellow Book, I guess, which is his bible. He has gone by it right down the line. I cannot think of a better—again, I was completely wrong because I thought he would not be an impartial person, but he is more than surpassed whatever I

thought. Jay, I really appreciate your tolerance with me and I may not be right on target, but I really appreciate it, okay. Thank you.

Chair Furfaro: Glenn, let me clarify something for you. In my research, the Auditor submits draft reports. When we get the draft, it is not recommended that we have that discussion until we get to a point that it becomes a final draft. The document you just shared with us is now final and we are waiting for confirmation that the final payment was made. Therefore, after that, the request of the payment in full and then the Auditor requests for agenda time which is done on final reports. It is not done on draft reports.

Mr. Mickens: When does that final report come?

Chair Furfaro: The one you just gave me is one that has come in?

Mr. Mickens: Yes.

Chair Furfaro: I have to make sure we paid for the final.

Mr. Mickens: I see.

Chair Furfaro: I hope that answers part of your question.

Mr. Mickens: Yes.

Chair Furfaro: Also remember that this narrative is also dealing with personnel matters, which I cannot discuss with you at this time.

Mr. Mickens: Right, the gas thing and everything else.

Chair Furfaro: I hope I answered part of your question.

Mr. Mickens: Yes, you did. I think the public's biggest concern is seeing this thing come before the Council where we do hear it being completely discussed and go over the final summaries that have been put out. Again, it is really commendable to Larry Dill that he has completely concurred with everything that he has said. I think he is the process of correcting whatever was not done right.

Chair Furfaro: I just wanted to offer you part of an explanation. The final report will appear soon.

Mr. Mickens: Good. Thank you, Jay.

Chair Furfaro: Anyone else? Joe?

JOE ROSA: Good afternoon, members of the Council. For the record, Joe Rosa. While I am here to represent the County Auditor's Office, on behalf of Mr. Pasion...

Chair Furfaro: You have to speak as a single person, Joe. You cannot offer yourself as being recognized as part of the Department, but I understand your point.

Mr. Rosa: Yes. Well, fortunately, I asked for the six (6) reports that have been put out so far. It is very interesting reading material. I wish some of the people in the public would get a hold of it and see for themselves. What has been do so far by Mr. Pasion and his Office Staff is something that needs to be looked into by this Administration and the County Council because this is something that really needs to be done about it and corrected. There should be an internal investigation by this Council for some of the actions that are going on within the County. If they do not have an internal audit or anything by this Council, it should be done by the Federal government because it involves taxes, people's money, and Federal funding, et cetera. It is getting to a point when I am reading that, I say to myself, "They keep writing it and keep writing it," but it is time for it to be corrected. Instead of cutting the personnel Staff and cutting the funding of the Auditor's Office, I think should be added additional Staff so he can do more investigations of Departments of the County. I have not seen an audit being done for the bike path for Public Works. It is a Federal job. I know when I worked, the Federal government stayed right on top of you and you had to account for every penny, for every nut, and for every bolt. Where is the County investigation on that there? Something is going on. I think Mr. Pasion is getting to it, so right now the heat is on so they are trying to cut his staff and slow him down. I think he should be given the additional Staff member and additional funding to pursue the matter and let the people know the way the County is running. Also, when I voted for the first time, I know I voted for a County Auditor, a County Clerk, and a County Attorney. Today, it is all of those political things of the Mayor. He is going to put his people in the County...

Chair Furfaro: Joe, that is your first three (3) minutes.

Mr. Rosa: Yes. Put those people in the County and he will be pulling the strings like a puppet. Maybe we should go back to the election of the County Attorney, the County Auditor, and the County Clerk, and have all of those people accounted for their actions. I wrote a letter to The Garden Island and it never did get printed and I am wondering why. I wrote a letter stating that County officials should be qualified and accountable for their actions. It was not printed. I do not know why. It seems like it rocked the boat or something. It is high time that the public get to be aware so that they know what is going on in our County with their tax dollars. That is why I came here to speak on behalf of the Auditor and the Auditor's Office, and I would like to see the funding that they intend to cut, and the cutting of a Staff member being reinstated so he can do the job adequately for the public and for the people to know that our County needs to be restructured in a way. I thank you.

ALICE PARKER: Alice Parker, of Līhu'e. First, please speak into the microphones; mouth to mic. When I am at home, I cannot hear you and the captioner cannot hear you.

Chair Furfaro: Alice, I want to tell you something that I shared last week. We spent a lot of money on technicians pulling all of the cable this week because that complaint came to us.

Ms. Parker: Great.

Chair Furfaro: I do not know how it is coming out today, but some very nice ladies approached me at the bon dance at Kapa'a, and said,

"Chairman, we are having some problems and we are going to let Ms. Yukimura know, too." I told JoAnn, I was going to have cables pulled and checked.

Ms. Parker: I was about to kneel, but I could not get up. Very good.

Chair Furfaro: We are doing that.

Ms. Parker: Great.

Chair Furfaro: Today will be a test if we were successful or not.

Ms. Parker: Thank you.

Chair Furfaro: We are aware of, but now back to your testimony.

Ms. Parker: I am speaking on C 2013-225 and according to this write up, this is on expending approval to expend funds for the Special Counsel's continued services to advise and represent Council in matters relating to the investigations of personnel matters in the County Auditor's Office. What you said to Glenn, as I understand, that it was the last payment for the printing of the audit report. I think Ernie and his group has done a marvelous job. He even got to what I know it as Generally Accepted Accounting Principles (GAAP). That is hard to complete and to get all of that. If there is a problem between the Manager and the employees, I know Ernie expects a good job. He expects a polished, professional job and he will not put up with incompetence, if that is what is problem is. Anyway, I think the ones that have worked with him, whoever they may be, have done a great job and Ernie is terrific. May he forever be there and may we all support him. Thank you.

Chair Furfaro: Alice, let me share a couple of comments. First of all, in response to Glenn, he was questioning why certain audits have not appeared on the Council agenda yet. I was explaining to him that I have been advised that draft audits do not go on the agenda, but only final audits go onto the agenda. Ernie needs to make that request. Along the line when we go to a final audit, we also want to make sure that whoever got the contract services was paid in full.

Ms. Parker: Absolutely.

Chair Furfaro: There are two (2) moving parts there. The second matter is that this is dealing with the item of investigation of personnel matters. That is held in Executive Session and does require certain employment consultations for the Council body. For the next item, I want to make sure that we understand that the reference and review that you just gave us for the Audit Department—there are only three (3) ratings that come out of that. The ratings are "acceptable," "needs improvements," or "unacceptable." That is all it is. Those ratings are done by his peers and they do not necessarily count for matters outside of doing the audit. They do not cover personnel matters.

Ms. Parker: Right, totally independent.

Chair Furfaro: They do not review that just so we are all clear. Three (3) grades. It is "acceptable," "needs improvement," and "unacceptable." He received an "acceptable" rating. On some of the other items, I want to make sure that we are very clear. The audit plan comes from the Auditor, not from us. That is what makes us independent. When we go in the year, he presents a plan that matches his Budget. If the Council wants to add something, a particular project that, like Joe recommended the bike path and so forth, we have to make that resolution at the Council level to add something to his plan. We also have to be committed to the funds in addition to what we budgeted to support that and we need five (5) votes because it is money. I want to make sure we are all clear because there is some misinformation that we are not challenging certain plans over there. He produces the plans. That is part of his independence, and whatever he puts in there accordingly is what we are voting on for the Budget to support his plan. If we made a request for an additional item, we also have to be prepared to give the additional money. That is fair. There were no staffing cuts that I am aware of. There is a staffing vacancy that exists, but that is a Personnel matter. I just wanted to make sure that we are clarified on that.

Ms. Parker: Thank you very much. Excuse me for a second, but I could not understand Jade when she was saying what was going to be addressed right now. What was the other issue?

Chair Furfaro: We have another item that we have to come back to with some additional funding.

Ms. Parker: Also, did you cover the dog license fees earlier?

Chair Furfaro: Yes, we did this morning.

Ms. Parker: Okay, I am in accord with that. Thank you very much.

Chair Furfaro: I would like to make notice again to the members—we had seven (7) Executive Sessions originally scheduled. We deferred five (5) this morning. Now, I am looking for a deferral on these two (2) as well.

Ms. Yukimura: Can we have a five (5) minute recess?

Chair Furfaro: Okay, we are in a five (5) minute recess.

There being no objections, the meeting was recessed at 3:15 p.m.

The meeting reconvened at 3:25 p.m., and proceeded as follows:

Chair Furfaro: We are back in session. I do want to, as I said, take some requests around the table. Maka'ala is here for an item on page 6 I believe. What is your number? 2465? JoAnn, you have to let me move my energy so we understand what is going on here. We have a call going into the attorney to see if we can continue the items that we had spoken about for ES-641 and ES-648. We can do it by conference call. Have we got a confirmation yet?

Ms. Fountain-Tanigawa: No confirmation yet.

Chair Furfaro: I will go to the item that Maka'ala wants to speak on instead of asking for deferrals there. Could you read that item?

There being no objections, Bill No. 2465, Draft 1 was taken out of the order.

BILL FOR SECOND READING:

BILL NO. 2465, Draft 1 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 9, KAUA'I COUNTY CODE 1987, AS AMENDED, TO ALLOW FOR MULTI-MODAL TRANSPORTATION PRINCIPLES FOR SUBDIVISIONS: Mr. Kagawa moved for adoption of Proposed Draft Bill No. 2465, Draft 1, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Ms. Yukimura.

Chair Furfaro: I have a motion to approve and a second. The rules are suspended. Maka'ala, you have the floor.

There being no objections, the rules were suspended.

MAKA'ALA KA'AUMOANA: *Aloha* Councilmembers. This is personal testimony. My husband's mother's family, Lima Po, comes from Hanalei. My husband was born in Hanalei. My work with the Hanalei Watershed Hui is about Hanalei. We own a home in Hanalei. I take it personally when government treats us as if we were stupid. It is personal to me when our community is told that government knows better than us. This is what is occurring now in Hanalei because of this County's subscription to Complete Streets. Carl Imperato has testified at least twice on this issue, and has represented our community *mana'o* and recent experience well. I support his testimony and concur with his positions. I testify today as a person who has invested much in the public process of community planning. I resent and reject the notion that the Kaua'i Planning Department should have any discretion about when and where to apply the concepts of Complete Streets because they have already demonstrated an inability to be flexible and respect the community's position. Sidewalks are not rural. Straight, wide streets are not rural; not for us. We have been planning and protecting the rural character in Hanalei for half a century. The County did not do it; we did. We conducted the community processes. We developed the frameworks. We produced the plans. We are very clear about what the rural character of Hanalei looks like. You think saving the Hanalei Bridge was easy? You think a few folks did not want it wider? You think government paid for the Route 560 Corridor Plan or wrote it? You think government produced the Hanalei project? Do you think government stopped the abuse of public resources in Hanalei Bay and Hanalei River? Really? These efforts and many more make Hanalei what it is today. Leave our roads alone and help us. Do not facilitate ignoring us. This is personal. Our original family home is gone, but the land is directly across the street from a proposed development that Planning decided needed to be in place closer to the highway because of Complete Streets precepts. Bonk. The Hanalei community asked for it to be placed away from the road because we do not want the entrance of Hanalei to look like a tunnel of buildings. Planning told us we like the look of Kōloa. That is rural. We are not Kōloa. We are Hanalei. We said what we wanted and we were told "no" by Planning. We were wrong. They were right. They were after all, the experts and the County is committed to Complete Streets. They have been trained and we have not. Thank goodness we were not trained. We thought we could save the bridge,

the bay, the roads, and the river. No one told us we could not, so we did. Now we are telling you to respect our roads the way we saved them and stop telling us that you are smarter than our community because you are not. Complete Streets may be a good idea for some places, but when you have a community that takes care of its place; honor that and respect that. Take that personally. The North Shore Development Plan is due for an update, but it is not broken. It is not wrong and it is being ignored by Planning when it comes to Complete Streets. Communities like Hanalei have done the work for decades. We have initiated and implemented Hanalei and north shore based projects that have been open and fair. Please respect all of Kaua'i's communities who have done the same. Support and encourage us in our efforts to take care of our places. Do not disrespectful us and steal our character. In the future others in your seats may well say, "I sure wish Hanalei still had that village feel, starry nights, children in the streets, neighbors talking story in yards with no fences—wait, most of that is gone now because of vacation rentals." Stealing our roads to make Complete Streets may well be the last fight we have a chance to win. Be assured that this proposal to address only subdivisions does impact Hanalei...

Chair Furfaro: Maka'ala, that is your three (3) minutes.

Ms. Ka'aumoana: *Mahalo.* We have subdivisions—a recent one abuts Aku Road. This proposal could have forced our community to install sidewalks and street design that would have completely altered the experience of Hanalei. The current Public Works proposal to convert the Hanalei Courthouse includes tons of added concrete. While we are facing a serious coral reef disease, let us add polluted runoff from more impervious surfaces. Really? I ask for your assurances that this ordinance contains protections for our process in place and supports our community and others on Kaua'i who may feel the same. Defend Hanalei. *Mahalo.*

Chair Furfaro: Are there questions for Maka'ala?

Ms. Yukimura: Maka'ala, as always, thank you. In the case you cited, was it the Planning Commission or the Planning Staff...

Ms. Ka'aumoana: It was the Planning Department and Staff and the recommendation of the Director.

Ms. Yukimura: Did it stop there or did it go to the Planning Commission?

Ms. Ka'aumoana: It was at the Commission when that recommendation was brought forward. We were told that what the Hanalei to Hā'ena Community Association requested, was not good because it did not meet the precepts of Complete Streets. We have got a building where we did not want a building.

Ms. Yukimura: Okay.

Ms. Ka'aumoana: Right on the highway, we did not want a building there. What they do not know that we know is that there are other buildings coming that are going to be on the highway, so the community has information they do not have, again.

Ms. Yukimura: Does the community feel that there are no safety issues arising as Hanalei town gets busier?

Ms. Ka'aumoana: I do not represent the community today. I represent myself. I will tell you what somebody told me in the State government when we started to complain about the polluted waters. They said, "Maka'ala, show me one (1) dead body." If it is a safety issue, there is no data to support that it is a safety issue.

Ms. Yukimura: Okay. I have heard...

Ms. Ka'aumoana: I know—you say that every Council Meeting, but there is no—where are the reports? Where are the incidents reports? Where is the data?

Ms. Yukimura: Thankfully there are no dead bodies.

Ms. Ka'aumoana: Exactly.

Ms. Yukimura: We are trying to be more proactive then the State. You are aware that the Bill allows for alternative pedestrian ways?

Ms. Ka'aumoana: Yes, I know what it says but I know what just happened. In two (2) instances, what just happened in a proposed building on Kūhiō Highway, and what just happened with the Hanalei Courthouse plans, which I have here which involve a sidewalk fronting the entire lot on Kūhiō Highway. It would be directly across the street from the green church, a nice little picket fence, a nice lawn, spider lilies, and then concrete on the *makai* side in order to meet Complete Streets. There is going to concrete also on Mahimahi, in order to meet Complete Street. There are other surfaces that need to be considered. There are other pervious surfaces that can meet Americans with Disabilities Act (ADA)—we know this, but the County is taking this Complete Streets and saying, "Sidewalks must be wider, must be straighter." Hanalei Roads Committee worked for thirty (30) years to keep roads narrow, curry, and slow people down. As soon as you put sidewalks on there, you are encouraging; visually, psychologically, and logistically a different kind of traffic. That is not what we want in Hanalei.

Ms. Yukimura: Okay. Thank you.

Chair Furfaro: Other questions for the testifier? Go ahead, Mel.

Mr. Rapozo: Thank you, Chair. Maka'ala, thank you for being here. The example that you sited the Courthouse—was there an opportunity for the community to request a waiver from the Planning Commission?

Ms. Ka'aumoana: No, Parks & Recreation held several public meetings regarding the use of the building, the interior of the building, how the community—what we wanted there. Did we senior services, Red Cross, et cetera? What did we want? There has not been one (1) public meeting on the exterior of this building. I got these plans and paid out of my program for an Engineer and Hydrologist to look at them because it has a three (3) foot flood wall and no opportunity to follow some of the precepts of the Hanalei Watershed Management Plan that we just completed; and how to reduce the runoff, how to reduce storm

water, how to reduce the pollutants going into the bay and river right there, two (2) blocks from the ocean. What I had to do was that Carl and I both went in to meet with Public Works individually. They were surprised to hear that the community has never seen the plan. We had never seen the exteriors. We did not know about the sidewalk.

Mr. Rapozo: I know you said you were here in your personal capacity.

Ms. Ka'aumoana: I am, but I know there is bleedover. I know it bleeds over into what I do for work.

Mr. Rapozo: No, that was not where I was going with that. I was not here during the Committee Meeting. I was absent when the amendments were drawn up. The Hanalei Community Association—are you aware and I apologize, I did not read the minutes, but are they in support of the Bill?

Ms. Ka'aumoana: The Complete Streets?

Mr. Rapozo: Yes.

Ms. Ka'aumoana: I have no idea.

Mr. Rapozo: Okay.

Ms. Ka'aumoana: I have no idea, but they were the ones that wanted the building on the highway setback, and it was Planning that used Complete Streets. It is in those minutes as well, as the reason why it could not be. This County is committed to Complete Streets; therefore, the building must be next to the highway.

Mr. Rapozo: Okay. I am reading the amended language and it appears to give the community some say—and I guess based on what you are saying, I am kind of concerned that they will not because talking about the sidewalks it may be waived if the Planning Commission determines that sidewalks are infeasible or unnecessary when taking into account local context and sensitivity to community character and alternate method of pedestrian circulation exists, it will be provided by the applicant. My concern is if they going to be true to that. It just says "may be waived."

Ms. Ka'aumoana: I will tell you that in discussions with the Planning Director, I am comfortable that he will take into consideration local context, but it is a "may" not a "shall." There is nothing in there that prevents them from just sidewalking everything and in the midst of all of that comes this Courthouse plan. They know about that language. Where is the context? Where is the local context? We have to explain to the Planner that there was a Shower Tree. So far, the proof has not been in the pudding.

Mr. Rapozo: Thank you.

Ms. Ka'aumoana: Thank you.

Mr. Rapozo: Thank you, Mr. Chair.

Chair Furfaro: Are there any other questions of Maka'ala? Go ahead.

Ms. Nakamura: This is kind of a question and a comment, but in talking to Carl last week and you this week, the issues about design guidelines along that corridor have come up. I am not sure—and so this is the question; do you believe there are adequate design guidelines that really capture the vision of the community through this portion of Hanalei?

Ms. Ka'aumoana: I believe that the North Shore Development Plan is very useful in that way, whether there are adequate design guidelines...do not forget the Hanalei project that inventoried all of the historical structures. We have a reference guide for what buildings look like and the kind of feel that we want it to preserve. The two (2) documents together work pretty well, but I will also tell you if we truly use the Watershed Management Plan and reduce the impervious surfaces and roof runoff, and so forth, what you get is that kind of structure. You get that kind of look because you get swales and not sidewalks. They accomplish the same thing. This is from a very scientific and engineering standpoint...the Hanalei project from a very esthetic perspective. All I am here today to say is we appreciate the language that has been inserted to try and alleviate our concerns, but here comes the Courthouse project in the midst of all of that, and it has no opportunity for flexibility.

Ms. Nakamura: I think that is where other Departments within the County need to be on board and understand the interconnections here and maybe that is not happening.

Ms. Ka'aumoana: Right, I am asking for protection of exactly that in this Bill. If there is a sentence that can be put in there—and I do not have it but...

Ms. Nakamura: I do not know if that can be legislated. I think that is a governance issue about making sure that all the different Departments who have projects in this area are aware of sensitivities. The other issue Carl brought up was safety there.

Ms. Ka'aumoana: Yes.

Ms. Nakamura: That is why I am thinking what might be needed is a corridor and design plan for this area that really takes into account the local context.

Ms. Ka'aumoana: That might be very helpful.

Ms. Nakamura: That is focused on safety, as well as rural design that is appropriate for this stretch. It would need to be coordinated with the State of Hawai'i Department of Transportation.

Ms. Ka'aumoana: Yes. We have the corridor plan.

Ms. Nakamura: It would have actually have to be guided by the State Department of Transportation.

Ms. Ka'aumoana: We have the Route 560 Corridor Plan as a good base for that. We have Hanalei Roads Committee as an excellent experience and history with State of Hawai'i Department of Transportation. I am just looking for assurance that I will not hear again, "No, this has to be concrete because it is Complete Streets," because that is what we get now, but thank you for trying. Your language is helpful, but...*mahalo.*

Chair Furfaro: I am calling the meeting back to order. Any further discussion, members? Mr. Kagawa.

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Kagawa: Thank you, Mr. Chair. Last week we put in a lot of time on this Bill, and I want to thank Councilmember Nakamura and Councilmember Yukimura for considering the amendments proposed by Carl Imperato and other members of the community. I agree with Maka'ala. The public must trust that the Administration will follow this language and be sensitive to the community, and not force Complete Streets upon them just for the sake of wanting Complete Streets. We should take into consideration of what the community desires first before pushing on what government wants. That was our intent when we made those amendments. I hope and pray that the Administration will follow what we wanted because that is how good legislation works. In supporting this Bill, I want to reiterate that I when I first came on, I was one to keep things the way it was and keep Kaua'i with less concrete, I guess; however, it is just that forward thinking that we need to look towards the future and we need to keep our bicyclists and pedestrians as safe as we can. In the recent months that I have been on the Council, I have seen how dangerous it is when we do not have adequate sidewalks, et cetera, for our bicyclists. It really relies upon the drivers to be very sensitive to those because a pedestrian or bicyclist has no chance if they get even clipped by a vehicle. It is for those reasons of safety and the future of our kids that I will be supporting this Bill. Thank you, Mr. Chair.

Chair Furfaro: Any further testimony before I call for the vote? Mr. Rapozo.

Mr. Rapozo: Thank you, Mr. Chair. I will be supporting this today. Maka'ala, I will be sending a request to the Administration to open up the dialogue regarding the Courthouse facility. I am shocked that they would not entertain the community's input. I will ask that we send over a request and that will be the test for me. I am not one hundred percent (100%) sold on this Bill. I am not one hundred percent (100%) sold on Complete Street because I think it does compromise the rural character of towns—not all, but like Hanalei and those special areas. I think the overall intent of the Bill is a good one, and I think it does provide for some safety measures in many areas but I am going to use that as the test. If the people of Hanalei—if their concerns and their wishes are not listened to in that Courthouse project and if there are going to be a, "No, because the Council passed..." That is what I envision will happen, "that Council passed Complete Streets so we have to do it this way." I will definitely pursue some amendments to this Ordinance to address the communities that I believe should be really left alone. Those are my comments. I will be supporting it, but again, we will follow-up. It is a good opportunity and a good time to test the wishes of the County. Thank you.

Chair Furfaro: Any further discussion? Mr. Hooser.

Mr. Hooser: I wanted to thank Maka'ala and Carl. I am also a little troubled—I wish we could just carve Hanalei out and do the whole "separate kingdom" thing, but I do not think that is going to happen. Your remarks were very compelling in terms of the involvement and the commitment of the community. The way the community is, is because the community is involved. We thank you for that and for the people of Hanalei. I would say though just by counting votes, I am sure this is going to pass, but you, Carl, and others have moved the needle on this issue. Because of you and Carl showing up, amendments were made, and I believe it is a better proposal today than it was a month or two (2) ago. Like Councilmember Rapozo, I share the thought that if the Planning Department, Public Works, or whoever—and you know this already; you have got me on speed dial. I will do whatever I can to help provide whatever appropriate guidance I can as an individual Councilmember. Thank you. Thank you, Chair.

Chair Furfaro: JoAnn, and then Mr. Bynum.

Ms. Yukimura: Thank you. I think this Bill today is very important. It will make us, assuming it passes, pay more attention to facilities for pedestrians, bikes, and transit. We have been so road and car oriented in the past. We need to have more balance in our—we need to be more multimodal in our thinking, planning, and design and for the reasons of basic safety. Implementation is a—I guess where the "rubber meets the road," and I think we all need more experience in that—County Departments and Agencies as well. I, prior to the beginning of this discussion around the table right now, I did send a message to Jade asking that we ask the Parks and Recreation Department to delay their action on the Hanalei Courthouse and to have more community input. I guess Councilmember Rapozo and I were thinking on same wavelength. I think Council Vice Chair's suggestion that we look at a corridor plan is a good one because we need to—a planning process would bring the community together to discuss the specifics of that corridor, in terms of building design placement, roadways, and bikes. Into the future, we would look at traffic counts, et cetera, and actually have some design guidelines that everyone should follow, whether it is the Planning Department, Parks and Recreation, or private developers making proposals. One of the issues was how do we know who the community is and a planning process, if it is done well, will bring all of the community together. To me that is one (1) way we can address a very important issue that both Carl and Maka'ala have highlighted. An island wide ordinance is one thing, but a specific corridor planning process might be the better way to bring out some of the issues and resolve some of the differing visions, if you will, or the implementation of certain concepts. Thank you.

Chair Furfaro: Mr. Bynum.

Mr. Bynum: I am going to be supporting this today. I want to say that sometimes it is a real privilege to serve on the County Council because I think we are one of the most responsive legislative bodies I have ever seen. We saw an example of that with good input from Carl that we often get from him because he is so meticulous and thoughtful about every word. It has been very helpful, and because of that we have made changes. There is also this discussion about "the community" what "the community" wants. I saw a lot testimony in favor of this Bill from people Kīlauea, Hanalei, and the North Shore. Sometimes the community is who shows up and that makes sense because those people have made the time and effort to do it. It is hard to speak for the entire community. That is a difficult thing. For me, I do not believe that having a safe, accessible pedestrian

element in a rural community destroys rural character. Hawai'i island came up with design guidelines and rural road standards that were quite creative. Our new Transportation Planner discussed that last week. Who I do not want to get lost in this discussion are people with disabilities and mobility impairments. We have an inclusive society. We have an ADA law that was signed by George Bush—the first George Bush. I believe we are required by law if we do certain things at Hanalei Courthouse, which is a government facility, we have to accommodate people that have mobility impairments. Now, do we have to do that with concrete? No. There are other alternatives, but there has to be an alternative in my mind. I appreciate very much the work that Councilmembers Nakamura and JoAnn did on this Bill and the collaborative process that happened with the Planning Department. That is a model that we are all trying to move to. Thank you very much.

Ms. Nakamura: I just wanted to thank members of the Planning Department like Marie Williams, Peter Nakamura, Lee Steinmetz, and also Public Works' Lyle Tabata. To the Committee members—we spent half a day basically working on these amendments. That is what you missed, Mel. It was a very long discussion and a thorough discussion trying to incorporate some of the concerns that Carl raised over the past few meetings, and trying to find a way to reach the middle ground here. I also want to thank members of Get Fit Kaua'i, who provided testimony as well. This is one (1) step to move towards multimodal transportation on Kaua'i. It is a tool that can be used and we just tried to build some flexibility into this, some discretion. I would like to pursue the discussion of corridor planning for this area. The State Department of Transportation cannot be looking at highways as just thoroughfares. We really need to take into account that many of our highways go through very special areas and special towns on Kaua'i. It is a different mindset and different approach, but it is something that we should work towards. I hope it can come up in the Transportation Committee.

Chair Furfaro: Okay, I guess it is my turn to speak. Just for the other Councilmembers here, for the July 24th Committee Meeting there is going to be a piece of correspondence on there from me as related to the Courthouse plan—just a communication so that you know. I am *kama'āina* to Hanalei. My family is *kama'āina* to Hanalei—my children and my grandchildren. I have to say that the Administration needs to know that I have not been invited to one (1) meeting at the Hanalei Fire Department—not one (1). It is very disturbing for me being the fact that I have issued to the Administration and I have issued to all of you place names and sensitivities to the Hanalei area; therefore, that is why I am telling you that I have something on the agenda for the 24th. There are people in the community that have really walked the talk about historic preservation about our roads and so forth. I agree with the Vice Chair that we certainly need more dialogue on that. Please note, if you want to add anything to my correspondence for the time I blocked at the 24th Committee Meeting, please let me know and I will be glad to piggy back the briefing. I am only asking for a briefing on the Hanalei Courthouse plans. On that note, let us call for a vote.

The motion for adoption of Bill No. 2465, Draft 1 on second and final reading was then put, and carried by the following vote:

FOR ADOPTION:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: On that note, I do want the Planning Department to know that I am certainly going to be keeping a close watch on things happening in the Hanalei district as it relates to these improvements. Now, I want to share with you that we did get a confirmation. The attorneys can be available to us at 4:15 p.m. to 5:00 p.m. We have several items go through here. I want to ask to take the item that Alice wants to testify on next.

There being no objections, Proposed Draft Bill No. 2490 was taken out of the order.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2490) – A BILL FOR AN ORDINANCE AMENDING SECTIONS 22-10.2, 22-10.4, 22-10.5, AND 22-10.6 OF THE KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO DOG LICENSES AND REGULATIONS: Ms. Nakamura moved for passage of Proposed Draft Bill No. 2490 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for August 14, 2013, and that it thereafter be referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, seconded by Mr. Bynum.

Chair Furfaro: Alice, you wanted to testify on this. Please come up.

There being no objections, the rules were suspended.

Ms. Parker: I should come out here saying "woof." Alice parker, excuse me. I think this is a good Bill. We need to increase the license fees. Two dollars ($2) is really bare minimum and I did submit some written testimony to that effect. I think the fees are reasonable. I think that there should be somebody going outdoor to door and checking on licenses. They did that in Los Angeles County, and you certainly know a dog is there if the dog is home and somebody strange comes to the door. Then there was a follow-up. I think they did it in August of the year and I do not know what the calendar year is for Los Angeles County, but there are many people who are not paying the fees and they are not being responsible owners. I think this might alert them. The Humane Society needs our support for dogs, cats, and other animals, too. This would help. Anyhow, I think it is a good idea. As far as hunting dogs, I think increasing the fees there are fine. I am not cognizant of hunting but I did work with Elton Ushio who had hunting dogs, and he said a lot of people who have hunting dogs feel the dogs hunt better if they are hungry. He said that is not the case. His dogs are always fed. The people who are required to license the dogs, hunting or not, I am hoping that they feed them, too. Thank you.

Chair Furfaro: Does anyone have questions for Alice?

Mr. Kagawa: Thank you, Alice. Do you think that a fifty dollar ($50) fee per dog is okay?

Ms. Parker: Yes, especially if they are unaltered. We do not need puppy mills and puppies all over the place. We need dogs that are taken care of.

Mr. Kagawa: Okay. Thank you.

Ms. Parker: You are going to have a lot of objection, but I do not object.

Mr. Kagawa: Yes. The reason why I asked you that is that we have had some people, especially the hunters, with some of them having up to twenty (20) dogs. They are not happy with this increase. Thank you.

Chair Furfaro: Thank you. Any more questions for Alice? Alice, we have one (1) more question for you.

Ms. Nakamura: Alice, this morning a couple of hunters were here raising some concerns as Mr. Kagawa said, the number of dogs and the fees would go up substantially for them. That some of their dogs are unaltered by choice, so that they can breed more dogs. Do you think we should look at one (1) fee for all dogs or do you think the two tiered approach is better?

Ms. Parker: Well, if we had separate fees, say for people who have a lot of dogs, maybe more expensive for unaltered dog and less expensive for neutered animals. I do not understand why they need twenty (20) dogs, but I figure a couple would hunt the animal. I would like to hear an explanation of why they need a huge pack of dogs for one (1) person, one (1) hunter.

Ms. Nakamura: Okay. Well, maybe that will come in the Committee discussion. Thank you.

Chair Furfaro: Any other questions for Alice? No.

Ms. Parker: Thank you very much for accommodating me.

Chair Furfaro: On that note, I will call the meeting back to order. I would like to have a roll call on this.

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion for passage of Proposed Draft Bill No. 2490 was then put, and carried by the following vote:

FOR PASSAGE:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0,
SILENT:	Furfaro	TOTAL – 1.

Chair Furfaro: Please record me as a silent vote. Before we go any further, I want to remind all of you that I am working on a schedule that has come out of last two (2) years of budgets that will review fees in had a calendar schedule that rotates every three (3) years so that we do not find ourselves falling so far behind in these justification. I just want to remind you that I made that

promise at budget time. Let us take fifteen (15) minutes to try and work through the rest of the schedule. I do believe we have one (1) person here who wants to be available to us, should we have any questions about an upcoming donation.

There being no objections, C 2013-238 was taken out of the order.

COMMUNICATION:

C 2013-238 Communication (06/05/2013) from Linda Nuland-Ames, Equal Employment Opportunity (EEO)/Americans with Disabilities Act (ADA) Coordinator, requesting Council approval to accept a donation from Deschamps Mat Systems, Inc. of a fifty (50) foot by five (5) foot Mobi-Mat RecPath, which is a portable and removable rollout pathway that provides a stable, firm, and slip resistant path, valued at $2,900, to increase accessibility for pedestrians, people with disabilities, wheelchair users, strollers, bicycles, and vehicles such as golf carts for use during County events in parks and beach parks: Mr. Bynum moved to approve C 2013-238 with a thank-you letter to follow, seconded by Ms. Yukimura.

Chair Furfaro: Members, do we have questions?

Ms. Yukimura: I do.

Chair Furfaro: Okay, I would like to call her up. Councilwoman Yukimura, you have the floor.

There being no objections, the rules were suspended.

LINDA NULAND-AMES, EEO/ADA Coordinator: *Aloha* Councilmembers. Linda Nuland-Ames.

Ms. Yukimura: Hello, Linda. Thank you for being here. Is there a system like this anywhere on the island?

Ms. Nuland-Ames: We have an older version of the Mobi-Mats that are used. If you have been to one of the core events in Hanalei, they routinely use the mats so that people can access the ocean even if they have mobility limitations.

Ms. Yukimura: Okay, so this would allow us to see how it works; this new version?

Ms. Nuland-Ames: Yes, this one is supposed to be more flexible and softer on the feet. It is being offered to us for free, which is always nice. Our hope is to spread the mats out more around the island so that they are more quickly accessed by people who would want to use them.

Ms. Yukimura: They come purely as a gift and no requirements or anything on our part to do?

Ms. Nuland-Ames: We have invited the representative out to do training at no charge, by the way, for our Parks and Recreation personnel so that they would be more familiar with how to use them and use them more easily and efficiently.

Ms. Yukimura: Okay. Thank you very much.

Chair Furfaro: Any more questions? Mr. Kagawa.

Mr. Kagawa: First of all, Linda, I want to thank you. Who is going to be in possession of the mat initially? Would it be Parks?

Ms. Nuland-Ames: Parks and Recreation.

Mr. Kagawa: Okay. I just think it is great that we have it. We are going to have the 4th of July, the big event at Vidinha soccer field, and there is no walkway should it rain or anything. We may see it being tested out.

Ms. Nuland-Ames: That is right.

Mr. Kagawa: I look forward to seeing that used. I have a close friend of mine who teaches with me at Kapa'a High School and I see him go through the gnarliest of grounds, but that does not stop him from going. He would go through mud and everything with his wheelchair because he does not let anything stop him from where he needs to go. I hope that I can see him benefit from it and surely I will be there to help him with that connection.

Ms. Nuland-Ames: That would be great. When people see these in use more and more, they are going to realize if they are gathering for a wedding, funeral, or family picnic at the beach, everyone can come. They can roll out the mat.

Mr. Kagawa: Thank you.

Chair Furfaro: Vice Chair, and then Mr. Bynum.

Ms. Nakamura: Thank you, Linda. I have a question about accessing—this is just for the County's use or making it open to the public?

Ms. Nuland-Ames: It is available to the public...the ones that we have now are—they have not really been used enough. Some organizations such as The Core are very familiar with them and just say they are wonderful. I do want to bring more attention to them but that is another reason why I want this one to arrive, and I can have some training with it and then help the public to realize that this is a way we can get everyone to an event and enjoy it, like I said, just a family gathering at the beach.

Ms. Nakamura: A family member would contact you to rent it out or to borrow it?

Ms. Nuland-Ames: For free. This would be property of the Parks and Recreation that people can borrow.

Ms. Nakamura: Okay.

Ms. Nuland-Ames: I hope to introduce our various party supply companies and our hotels to these mats and other accessible pathways that can be used so that it becomes a part of their inventory as well.

Ms. Nakamura: Very good. Thank you.

Chair Furfaro: Mr. Bynum.

Mr. Bynum: Hi, Linda. Thank you for being here today. I just want you to remind the public that the County has ADA compliant wheelchairs for the water at which beaches?

Ms. Nuland-Ames: They are called landeez chairs, all-terrain wheelchairs that are available for public use at Lydgate, Po'ipū, and Salt Pond beaches.

Mr. Bynum: I very much appreciate this gift. I just want to let you know some years ago, The Friends of Kamalani looked at whether we can do a permanent entry into the ocean for people with disabilities. That is a possibility. There are some design standards and ways to do that. That is something that we should talk about or resurrect in the future.

Ms. Nuland-Ames: The heavier mats we have now have been used up and down the east coast on a semipermanent basis, where there is basically a cement anchor in the sand.

Mr. Bynum: Right.

Ms. Nuland-Ames: The mats are rolled out and put down to that and it can last for months. I have learned that when Sandy was sweeping up the coast, in New Jersey they were running out, rolling out the mats and taking them to high ground. They are much more flexible then attempting in kind of a permanent fixture. They are also less expensive.

Mr. Bynum: Thank you.

Chair Furfaro: Any further questions? If not, thank you very much.

Ms. Nuland-Ames: Thank you.

Chair Furfaro: We have a motion and second on the item. I will call our meeting back to order. Let us call for a vote.

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2013-238 with a thank-you letter to follow was then put, and unanimously carried.

Chair Furfaro: Thank you very much. Next item as we are moving along here...I want to go to Resolutions. I am trying to thin out those items that are in the audience, but I want to ask for consideration on the board appointment of Hugh Strom to the Board of Water Supply. I would like to consider a deferral for three (3) weeks because there have been several members that want to get some additional questions clarified. I would ask you to support a deferral for three (3) weeks if I could, but I need someone to make a motion.

There being no objections, Resolution No. 2013-56 was taken out of the order.

RESOLUTIONS:

Resolution No. 2013-56 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF WATER SUPPLY *(Hugh A. Strom)*: Mr. Bynum moved to defer Resolution No. 2013-56 for three (3) weeks, seconded by Ms. Yukimura.

Chair Furfaro: There is no discussion on a deferral. I am sorry that I could not recognize you earlier...unless Councilmember Yukimura would like to take back her second?

Ms. Yukimura: Sure, I withdraw my second.

There being no objections, Ms. Yukimura withdrew her second.

Chair Furfaro: Thank you. Go ahead.

Mr. Kagawa: Thank you, members. I just wanted to say that I agree with the deferral of Mr. Strom; however, after interviewing him last week, I asked him questions...I had similar concerns as those of you have. Based on my answers that I have gotten from him, I have no problem supporting his appointment. I realize that some of you may have concerns based on ties that he may have to potential businesses or customers of the Department of Water, but I think Department of Water is at a point that they need some new, fresh thinking and he has that experience. I think that maybe could help them to improve some of the things that are not being fixed or not being done. Although we have been deferring it, I hope after three (3) weeks we can go forward and approve Mr. Strom. Thank you.

Chair Furfaro: Thank you, Mr. Kagawa. Thank you, Councilwoman Yukimura. Is there anymore discussion here?

Mr. Rapozo: Yes. I am assuming that the request for the deferral is to get more questions answered?

Chair Furfaro: Yes.

Mr. Rapozo: It has always been my policy that the Mayor's appointment of commissioners' first term is really his prerogative. I heard some of the concerns. I share Mr. Kagawa's feelings that, in fact—and I have read the Board of Ethics' ruling that basically says there is no conflict and if there was an issue that involves the business that he works for, he would recuse himself. I am satisfied with that. I will definitely honor the request from colleagues to defer, but I want the record to reflect I will be supporting Mr. Strom's appointment. Thank you.

Chair Furfaro: Thank you, Mr. Rapozo. Councilmember Nakamura.

Ms. Nakamura: In the interim, I also had a chance to talk to Mr. Strom to discuss current concerns about potential conflicts of interest. I am satisfied with his responses and I am willing to vote today.

Chair Furfaro: The motion needs a second now. I have given people the courtesy to speak. Can you do your second on the deferral, unless anybody else wants to speak?

Ms. Yukimura moved to second the motion to defer Resolution No. 2013-56 for three (3) weeks.

Chair Furfaro: Okay. We have a motion to defer for three (3) weeks and that is until July 17th of this appointment.

The motion to defer Resolution No. 2013-56 to July 17, 2013 was then put, and unanimously carried.

Chair Furfaro: Please note for the record that we will defer this item until July 17th. Next, I would like to go to Resolution No. 2013-59.

There being no objections, Resolution No. 2013-59 was taken out of the order.

Resolution No. 2013-59 – RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE KAUA'I HISTORIC PRESERVATION REVIEW COMMISSION *(Althea Kalei Lovell Arinaga – Archaeology)*: Mr. Kagawa moved for adoption of Resolution No. 2013-59, seconded by Mr. Bynum.

Chair Furfaro: Is there any further discussion? Mr. Kagawa, you have the floor.

Mr. Kagawa: For this one, we kind of discussed it last week. She is going to be a wonderful addition. I think she will bring a lot of good things to the County, so thank you and congratulations.

Chair Furfaro: Is there any further discussion? If not, may I please have a roll call vote?

The motion to adopt Resolution No. 2013-59 was then put, and carried by the following vote:

FOR ADOPTION:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: Please notify the candidate. Ladies and gentlemen, I want your attention because we are moving on some critical time here. For the next item I want to cover—I am trying to cover items that we might have to call on Staff or in this particular case, the Prosecutor's Office. Is there anyone that wants to speak specifically on the Victims of Crime Act (VOCA) grants? If not, I need to call Mr. Justin Kollar and we only have a window of opportunity at 4:15 p.m. to talk to Special Counsel. Let us move on the VOCA grants.

There being no objections, C 2013-236 was taken out of order.

<u>COMMUNICATION:</u>

C 2013-236 Communication (04/30/2013) from the Prosecuting Attorney, requesting Council approval of the following:

1) Apply for, receive, and expend federal funds for the Kaua'i Victims of Crime Act (VOCA) Expansion Project 11-VA-3 in the amount of $210,392 for salaries, fringe benefits, training, and travel costs for the Office of the Prosecuting Attorney, Victim/Witness Program for the term commencing October 1, 2013

2) Indemnify the State of Hawai'i, Department of the Attorney General

Ms. Yukimura moved to approve C 2013-236, seconded by Ms. Nakamura, and unanimously carried.

Chair Furfaro: Did we cover the second part of that as well?

Ms. Fountain-Tanigawa: Yes.

Chair Furfaro: Very good. For those of you in the audience, I am going to call up the County Attorney.

Ms. Fountain-Tanigawa: We have one (1) more.

Chair Furfaro: That is what I asked.

Ms. Fountain-Tanigawa: I thought you meant No. 2, the indemnification.

Chair Furfaro: Oh, you thought I meant the second part.

There being no objections, C 2013-237 was taken out of the order.

C 2013-237 Communication (06/14/2013) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year (FY) 2013 Local Solicitation Grant in the amount of $41,778 to allow Deputy Attorneys from the Office of the Prosecuting Attorney and Police Officers from the Kaua'i Police Department to attend training: Mr. Kagawa moved to approve C 2013-237, seconded by Mr. Rapozo, and unanimously carried.

Chair Furfaro: I am sorry I was not paying attention when I said that second part, but there have been a lot of changes today. We have a few more items to cover. We will come out of that later today. I want to make certain that people understand that we have a Special Counsel conference call now that will be approximately one (1) hour or less, I hope. Then we will be back for additional testimony at 5:30 p.m. To go into Executive Session, may I have the County Attorney up?

There being no objections, the rules were suspended.

MARC GUYOT, Deputy County Attorney: Good afternoon, Chair, Vice Chair, and Councilmembers. Chair, which of the Executive Sessions did you want read?

Chair Furfaro: The two (2) items that we still want to do are ES-641 and ES-648. The attorneys are going to be available to us by conference call. All of the other Executive Session items have been deferred.

Mr. Guyot: Okay. I have it right here. I just want to see if the wording was the same for ES-641 and ES-648. I can just put the numbers together and read them all at once.

Chair Furfaro: Yes, just be sure to announce the two (2) numbers at the beginning.

Mr. Guyot: Very good, Chair.

There being no objections, ES-641 and ES-648 was taken out of the order.

EXECUTIVE SESSIONS:

ES-641 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session with the Council, to consult with Special Counsel relating to the investigation of personnel matters involving the Office of the County Auditor and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

ES-648 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8) and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session with the Council, to provide the Council with a briefing as it relates to the investigation of personnel matters involving the Office of the County Auditor and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

Mr. Guyot: Both of these items were previously deferred from June 12, 2013.

Chair Furfaro: Thank you very much. Councilwoman Yukimura.

Ms. Yukimura: Did you say that it is also to consult with Special Counsel?

Mr. Guyot: To consult with Special Counsel, yes, Councilmember.

Ms. Yukimura: Thank you. I just wanted to make sure of that.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: Now, I would like to say that I would like a motion to go into Executive Session and a second, please.

Mr. Bynum moved to convene into Executive Session for ES-641 and ES-648, seconded by Ms. Yukimura, and carried by the following vote:

FOR EXECUTIVE SESSION:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: Thank you very much. For those of you in the audience, we are going into Executive Session. The Chambers needs to be vacated and the doors will be opened approximately 5:15 p.m. Please go directly to our conference room.

There being no objections, the meeting was recessed at 4:21 p.m.

The meeting reconvened at 5:23 p.m., and proceeded as follows:

Chair Furfaro: *Aloha* and welcome back. For those of you who are here, maybe for the first time, if you are signing up for testimony, I am giving it in three (3) minute increments. You do need to sign up downstairs, if you are planning to testify. I would also like to make an announcement on some other process that we need to be aware of. I could continue this item—we have not finished the Council's regular agenda, but we can continue to take testimony up until as late as 7:00 p.m., and then we are mandated by our Rules that govern our Staff that we have to take a dinner break, which is typically an hour. I also want to make sure that you to understand that this testimony today is about approving a Bill to go to a public hearing, so that it goes to a public hearing. That would occur on July 31st. As we plan the July 31st approach to this, as Chair, I will be looking for a different venue for us to have the location. I do not have anything to announce to you yet, but I do want to say that I will be looking at that option. It would be very restrictive to a public hearing that starts at 1:30 p.m., and I will attempt not to put any new agenda items on the day, so that we can start at 1:30 p.m. Those are things in our rules that I will attempt to do as Chairman. On that note, I just had a couple of people walk in, if you have not signed up for today yet, please sign up downstairs so that I can recognize some sequence of speakers. On that note, I would like to start at 5:35 p.m. with a continuation of the three (3) minute public hearing pieces. May the next registered speaker please come up?

There being no objections, the rules were suspended.

JOHN HOSHIBATA: Good afternoon, Council Chair, Vice Chair Nakamura, and members of the Kaua'i County Council. I am with the Law Firm of Bronstor Hoshibata ALC and we represent Pioneer, which is one of the seed companies involved in this. I am following the testimony on behalf of Pioneer and its substantial agricultural interest on this island. We are extremely concerned about the proposed new Article 22, which would amend Chapter 22 of the Kaua'i County Code, which would number one (1), impose upon Kaua'i County and the

responsibility to develop a complex web of requirements, conditions, and regulations for the use of GMO crops that are already in place on the Federal and State level. Number two (2), it would be in conflict with the longstanding Federal and State regulatory programs. Number three (3), as such are preempted under the U.S. Supremacy Clause and adopted by the Hawai'i Constitution. Now, I think it is very important for the Council to understand that in using the word "preemption" and "preemptive principles," we are not absolutely implying that this Council has limited rights and duties to protect the citizens of the County against potential dangers. This County does have the right to take action to protect its citizens from all dangers that it sees; however, in the specific area of agricultural biotechnology, there are Federal and State agencies which have long been empowered and required to do what this proposed amendment would seek to do, and regulated pesticides and planting materials are already heavily scrutinized in coordination with the U.S. Department of Agriculture, the Environmental Protection Agency, the Food and Drug Administration, the Hawai'i Department of Agriculture, and other regular reporting field inspections and evaluations, which are required by these agencies. These agencies are already organized. They are already financed, staffed equipped, and actually conducting field site inspections on the ground and doing the work that the County of Kaua'i would have to undertake to do basically from scratch if this proposal were accepted. The most important legal issue involves the moratorium, I think which would certainly involve an argument about "taking" under the U.S. Constitution. I think there are Constitutional problems. I think any time you have three (3) layers of oversight and regulation over an industry; Federal, State, and local, you have going to have conflicts. You are going to vagueness. You are going to have inconsistencies and you are going to have *pukas*. Two (2) of it is bad enough and three (3) will make it worse. Thank you for that opportunity to present that viewpoint.

Chair Furfaro: Thank for presenting your concerns on this. We do have a legal department of which we will be submitting some questions and answers for the Councilmembers regarding those three (3) political subdivisions and our authority to be good stewards of our island for our people.

Mr. Hoshibata: Understood, thank you.

Chair Furfaro: JoAnn, you have the floor.

Ms. Yukimura: Hi. If there is Federal preemption of the regulations under the proposed Bill then why have other states been able to put in place similar regulations?

Mr. Hoshibata: I think there is a history of—well, that is the problem when you get into litigation. I think what happens when you have the conflict between Federal, State, and local authority is that you are going to have someone saying, "Oh, it was that person's responsibility at one level or that person's responsibility at another level." That is where you run into inconsistencies and you have litigation. I think in many of those cases that you are talking about, that has been resolved by a series of protracted litigation cases.

Ms. Yukimura: With different outcomes in the different states?

Mr. Hoshibata: Yes, different outcomes.

Ms. Yukimura: At this some point, it will probably go to the Supreme Court?

Mr. Hoshibata: It could. It really brings this issue of the different levels of government and the supremacy clause into really direct conflict. If it is not settled by litigation at some point in time, the Supreme Court might say, "There is so much division across the land. There is no consistency. We will finally have to speak out and put down the final word on it."

Ms. Yukimura: Okay. Thank you.

Chair Furfaro: Thank you. Next speaker. Did you have a question, Mr. Hooser?

Mr. Hooser: We have a lot of people. I am not certainly ready to debate the attorney for Syngenta, is that right?

Mr. Hoshibata: No, for Pioneer.

Mr. Hooser: You are aware that other states and counties have passed laws containing many of the provisions that we are proposing today?

Mr. Hoshibata: Yes.

Mr. Hooser: You are aware that Maui County passed a ban on GMO taro.

Mr. Hoshibata: Yes.

Mr. Hooser: It has not been challenged in Court and their County Attorney said that was legal.

Mr. Hoshibata: It has not been challenged in Court yet.

Mr. Hooser: Their County Attorney's opinion said they could do it.

Mr. Hoshibata: Okay.

Mr. Hooser: You are aware that the Hawai'i island County banned GMO taro and GMO coffee?

Mr. Hoshibata: Yes.

Mr. Hooser: Their County Attorney said they had the legal authority to also do that.

Mr. Hoshibata: Yes.

Mr. Hooser: That was not challenged either.

Mr. Hoshibata: Not challenged yet.

Mr. Hooser: There are several counties on the mainland that have done similar actions and not been challenged in Court either.

Mr. Hoshibata: I am sorry. I am not too aware of what is going on in the mainland, but I think that it is open for litigation. All I can say for now is that it has not been challenged.

Mr. Hooser: Right. That is the bottom line. Thank you very much.

Mr. Hoshibata: Thank you.

Chair Furfaro: Mr. Bynum, and then Mr. Kagawa.

Mr. Bynum: John, nice to see you again.

Mr. Hoshibata: Nice to see you again.

Mr. Bynum: Thank you for being here and I appreciate it. I have learned a lot from attorneys over the past year and I will continue to do that. Are you familiar with Hawai'i Revised Statues 46-17?

Mr. Hoshibata: I am.

Mr. Bynum: To me, it is like this preemption issue is addressed already in Hawai'i State Law, and it says, "No such ordinance shall be held invalid on the grounds that it covers any subject or matter embraced with any state statute or rule in the state, provided that in the case of any conflict between a statute or rule or an ordinance, the law affording the most protection to the public shall apply." That is a fairly unusual thing for states to empower counties, even over and above their own rules, correct?

Mr. Hoshibata: When they say "most protection," I think you have to look at it from the point of view of each of the parties and which party is offered more protection to that party as opposed to another party.

Mr. Bynum: Great. Just so I can understand your testimony, you are agreeing that the County has the authority to do these things?

Mr. Hoshibata: I am agreeing that the County has the authority to do it in order to protect the public's interests. What the public's interests is, is I think, a separate question.

Mr. Bynum: Right, and it is subject to litigation.

Mr. Hoshibata: Yes.

Mr. Bynum: Virtually everything is subject to litigation, right?

Mr. Hoshibata: As most of us know, unfortunately, yes.

Mr. Bynum: I look forward to this discussion because I will learn. Thank you.

Mr. Hoshibata: Thank you.

Chair Furfaro: Mr. Kagawa, you have the floor.

Mr. Kagawa: Thank you, Chair. Thank you, John. As you stated earlier, the Federal and the State currently regulate the GMOs?

Mr. Hoshibata: Yes.

Mr. Kagawa: Now if we pass this ordinance, what would be the argument for the seed companies to not follow the ordinance?

Mr. Hoshibata: Well the seed companies, I think would certainly look at the supremacy clause. Even though, as Mr. Bynum has pointed out and others, there is that conflict there—does the supreme power actually go to the Federal government or does the County take over in certain necessary areas? Certainly, the seed companies have their options open. I am not authorized to talk about what options they might think about but certainly if there is a moratorium that is going to last for the months and years, for example, that an EIS might take, there is a real question of whether or not they are going to stay in business. I think that would create a really hard economic impact on West Kaua'i and Kaua'i in general. Directly answering your question, I am sorry if I went about it in a roundabout fashion.

Mr. Kagawa: You answered it.

Mr. Hoshibata: I did? Thank you.

Mr. Kagawa: Thank you.

Chair Furfaro: Thank you very much for your testimony. Next speaker, please.

Mr. Sato: Next speaker is Fern Rosenstiel representing "Ohana 'o Kaua'i, followed by Peter Wiederoder.

FERN ROSENSTIEL: Hi. Give me just a moment, I just drafted something to be a little bit more organized. I appreciate your time. My name for the record is Fern Anuenue Rosenstiel. This Country was founded on a bottom up government. This may not have been lost in our recent history, but has not been forgotten. I remind you now that this is the American style of government, under which we are supposed to be governed by and for the people. The County has the primary and first responsibility to represent its people to ensure that their or our tiny voices are heard all the way to the highest representatives of government. That is your responsibility to take action for our local community and when you do, that message will then be passed to the State and to the Federal government. You are our voice. You are the ones that are most entrusted with the responsibility to protect our health and our lives. I am asking to you take action to do so today. After six (6) years of continued research, I am confident that there is more than enough evidence from around the world that would suggest that these chemicals cause lasting and irreversible harm to the human and the natural environment. There is ample evidence to show that bans are more than justified. Instead, we are sitting here, fighting simply for the right to know. We are fighting for a Bill that

does not evict, nor ban, nor even stop their actions over the moratorium but instead simply give the public disclosure for the right to know what is being grown and what is being sprayed. We are asking for buffer zones for sensitive areas and we can work on the details if those need to be adjusted, but we are asking for experiments that on multiple occasions, biotech companies have denied ever conducting, to be enclosed and kept from drifting into our surrounding environments. You have seen people today who are concerned for their jobs. You have seen mothers that are concerned for the lives of children. Jobs are important and I understand their concern. I am not clear as to how this Bill would cause any loss to jobs. In fact, it would seem probably to me it would actually increase jobs as they have to keep better records, report to the public regularly, disclose activities, manage permitting requirements, and actually possibly employ more. The only reasons that there could be to avoid disclosure and fight this Bill would be a genuine desire to hide the details around the three point five (3.5) tons of restricted use pesticides that are sprayed annually on Kaua'i alone, to dilute this issue and continually mislead the public, and our local government...you, about the activities and impacts that are associated. If this is not a desperate attempt to keep the information from the public, then the only other reason there could possibly be would be to not sacrificing profits. Profits and jobs would never be more important than the health of our community and our environment. We do not say that the only jobs that we have are jobs that degrade our environment and our health. Oh well, this is what we have. We work as one (1) community to replace these jobs, to change our dependence on various industries of employment, and we do not accept what we improve. I guarantee that if you were to go back to the knowledge that we have today and you look at the workers who worked with asbestos, Agent Orange, DDT, and the Manhattan Project; those countless researches—they would all have chosen not their job.

Chair Furfaro: Fern, your time is up.

Ms. Rosenstiel: Just in summary...

Chair Furfaro: I have given you a little bit more time than I should have. Your time is up.

Ms. Rosenstiel: Okay. I appreciate your time you guys.

Mr. Sato: Next speaker is Peter Wiederoder from Dow AgroSciences, followed by Chris Kobayashi.

PETER WIEDERODER: Good evening, Council. Thank you. My name is Peter Wiederoder. I am the Station Manager for Dow AgroSciences here on Kaua'i and a resident of Kalāheo. This Bill is labeled to be a "right to know bill," but it really is not. It is a Bill that limits our right to operate and our freedom to operate as a company. This Bill does restrict the way we can run our organization, can run our company, and it does threaten our business. It will limit what we can do on Kaua'i; our operations here and our ability to do what we are doing. There has been a lot made, about three point five (3.5) tons. Three point five (3.5) tons of restricted pesticides used on Kaua'i—we farm fifteen thousand (15,000) acres. If you divide those three point five (3.5) tons by the fifteen thousand (15,000) acres we farm, it comes out to 0.466 pounds per acre per year; a half a pound per acre, per year. Now granted we do not farm all of the land that we rent or that we lease, so we want to double it. Let us say we only farm half the land...and trust me, we farm more than half the land. That would make it one (1) pound per acre, per year. One

(1) gallon of liquid is nominally a pint so we are talking about a pint of herbicide per acre, per year. A football field is slightly over an acre so if you take out the end zones, we are putting one (1) pint per year on a football field. That is what we are using and that is the amount. We are not dumping tons of herbicides on a specific spot. It is being spread out and it being used very judiciously, appropriately, and within the compliance that we have. Folks say this is ground zero for GMO. What we are doing here is no different than what is being done in our parent seed facilities on the mainland, Puerto Rico, and South America. This is not an experimental ground. What makes Hawai'i special is not what we do here; it is when we can do it. We can grow a crop here—we can plant corn or any other crop any day of the year so it allows us to grow crops in the Winter and in the contra season. This helps us with our supply chain and our time to market. The advantage of Hawai'i is a timing of one (1) week of contra crops; not what kind of crops we grow here. We do not grow anything differently here than what is grown on the mainland, Puerto Rico, or anywhere else. This is not ground zero for GMO production or for seed production. This Bill; however, will make this County ground zero for legislation. This is new. There are other counties that have had similar things, but this will make this ground zero for this type of legislature and legislation.

Chair Furfaro: Thank you, that was your three (3) minutes.

Mr. Wiederoder: I am finished.

Chair Furfaro: I see we have questions. Mr. Bynum, followed by JoAnn.

Mr. Bynum: Dow farms fifteen thousand (15,000) acres on Kaua'i?

Mr. Wiederoder: No, the agricultural industry; the four (4) seed companies combined with Kaua'i Coffee Company.

Mr. Bynum: When you said "we," you meant the four (4) seed companies?

Mr. Wiederoder: In that instance with "we," I meant the industry.

Mr. Bynum: Did Dow test 2,4-D resistant corn on Kaua'i?

Mr. Wiederoder: Dow grew as a regulated crop—the corn that has the new trait in it makes it 2,4-D resistant. We did not do any experimentation. We did not do any trials. We grew the corn as an increase. We were allowed a crop that has been certified by the EPA and the FDA. We are allowed to make increases so that we can continue to have more seed to do more study on. We did grow less seed, but we did not dose it with three (3) times, four (4) times, or twenty (20) times the amount of 2,4-D. That testing was done here. We grow that crop and we use herbicides and insecticides as necessary.

Mr. Bynum: Excuse me, you have answered my question.

Mr. Wiederoder: I did?

Mr. Bynum: Yes, you grew 2,4-D resistant corn on Kaua'i.

Mr. Wiederoder: Right.

Mr. Bynum: Which has not been approved by the...

Mr. Wiederoder: Yes, it has been approved to grow as a regular crop.

Mr. Bynum: What did I read in the media last week about Dow not getting approval to market that crop?

Mr. Wiederoder: It is not approved to market, but it is approved to grow as a regulated crop and as a field trial, and that is what we did.

Mr. Bynum: Thank you.

Mr. Wiederoder: It is in the law regulated...

Chair Furfaro: Excuse me, let us try to stay out the confrontations here. If we have bad information, there will be another time you can correct that.

Mr. Wiederoder: Understood. I did not mean to be that way.

Chair Furfaro: I want to make sure that when I am giving Councilmembers time to ask questions, respond to that question rather than the long version of that history.

Mr. Wiederoder: Will do.

Chair Furfaro: JoAnn, you have the floor.

Ms. Yukimura: Mr. Wiederoder, thank you very much for coming to testify. You gave some good perspective. I know it takes a certain amount of courage to testify in this venue. Did Dow do any—I think it is called "experimental pesticides?"

Mr. Wiederoder: We have not received an experimental pesticide use permit; so no.

Ms. Yukimura: Therefore you have not done it?

Mr. Wiederoder: We used only our registered pesticides according to the labels.

Ms. Yukimura: Okay. You grew corn for seed—the 2,4-D immune corn? You grew it here for seed?

Mr. Wiederoder: Yes, we did do an increase.

Ms. Yukimura: In the process of growing it here, did you used 2,4-D?

Mr. Wiederoder: I do not know off the top of my head but I can get you the records. I am not sure if we did or not.

Ms. Yukimura: You are not sure if you did or not?

Mr. Wiederoder: Well, if as an increase, we would use it if we had weeds. I am not familiar with the fields that we had. We probably had no more than one (1). I am not sure what we used. I will have to get back to you. I did not bring those records.

Ms. Yukimura: Okay, but you will get those records to us though?

Mr. Wiederoder: Yes, I can get that for you.

Ms. Yukimura: Thank you very much.

Chair Furfaro: Mr. Hooser, and then Mr. Kagawa.

Mr. Hooser: Thank you for coming today.

Mr. Wiederoder: You are welcome.

Chair Furfaro: I have to apologize for the three point five (3.5) tons figure. That is an accurate figure, but it is only based pounds of restricted use pesticide and does not include the gallons. If you add the gallons in, it actually comes to about eighteen (18) tons per year used on Kaua'i if you use the density of water to figure it out. Instead of three point five (3.5) tons, it is really about eighteen (18) tons. That would be restricted use pesticides. What I have not been able to find out, and hoping that you can tell me; that is one (1) category of pesticides being used—the restricted use pesticides. Those are the ones that need the permit from federally approved permits. Then there is a general use pesticides. How many tons of general use pesticides are used on the fifteen thousand (15,000) acres?

Mr. Wiederoder: I do not have that information off the top of my head. You receive that information from the Hawai'i Board of Health. That is where I would go to get that information.

Mr. Hooser: I have been trying to get that information from your company and the other three (3) companies and have not been able to get that.

Mr. Wiederoder: The Hawai'i Department of Health has those statistics and that is where you can get it from.

Mr. Hooser: That would be the general use pesticides?

Mr. Wiederoder: I thought I heard you say that you received that?

Mr. Hooser: No, I received that from the Department of Ag.

Mr. Wiederoder: I am sorry.

Mr. Hooser: That is on restricted use, but they did not have the general use. Pioneer and Syngenta are fighting giving me the experimental use, but I do have the restricted use.

Mr. Wiederoder: Okay.

Mr. Hooser: Generally speaking—I am not an expert. You are much more proficient than I am but an agricultural operation will have a certain percentage of restricted use pesticides...maybe twenty percent (20%) and where the vast majority of eighty percent (80%) would be general use, RoundUp, and stuff like that. I am trying to think if the industry is using eighteen (18) tons of restricted use and that is only twenty percent (20%) of the pesticide use; how much are they actually using? That is what I have not been to find out. Quite frankly, that is one (1) of the reasons for the Bill, so we can find this information out. If you can find it, thank you.

Chair Furfaro: That is the E-mail to Council Services. You heard the question from Councilmember Yukimura and Councilmember Hooser. If you could share that additional information to that address, it would be much appreciated. Thank you. Mr. Kagawa.

Mr. Kagawa: Thank you. This is not a question, but it is just a comment. For the audience, when somebody is up speaking, please show class. We can hear you if you chirping behind to his answers when you do not like his answers and you make sounds. If you are up here and they make a sound, you would not like it. Show respect. We disagree, but I think we can agree that we would like to treat somebody the way we would like to be treated. Thank you.

Chair Furfaro: Thank you, Mr. Kagawa. Yes, it is important for the value of *aloha* that we all show mutual respect. If you could answer those questions, I would certainly appreciate it. I think Councilwoman Yukimura and Mr. Hooser made it very clear of what we are looking for. Thank you very much. Next speaker, please.

Mr. Sato: Next speaker is Chris Kobayashi, followed by Cindy Goldstein.

Chair Furfaro: Chris, I saw you earlier...he went back? Okay. Next speaker.

Mr. Sato: Cindy Goldstein representing Pioneer, followed by Romulo Constantino.

CINDY GOLDSTEIN: *Aloha* and good evening. Council Chair Furfaro, Vice Chair Nakamura, and members of Kaua'i County Council. My name is Dr. Cindy Goldstein. I have a PhD, not a medical doctor. I am testifying on behalf of DuPont Pioneer in opposition to the Bill No. 2491. Pioneer has been farming on Kaua'i, as many of you know, since 1968. We hire many long time Kaua'i residents. You met some this morning and many that came out today and also some that gave testimony at our Waimea Research in Kekaha Parent Seed Operations. We plant both genetically engineered and non-genetically engineered crops. We meet the demands of the marketplace. Farmers in the US and around

the world plant the seed that we produce. Last year, as an example, eighty-eight percent (88%) of the eighty million (80,000,000) acres of corn that were planted by farmers in the US was genetically engineered. In 2012, ninety-three percent (93%) of US soybean acres were genetically engineered soybeans. We are meeting the demands of the marketplace with our seed production. Also GE seed is planted in twenty-eight (28) countries worldwide. Some of the genetically engineered corn and soybean grown in the US is sold in Europe for animal feed. We hear that Europe does not accept genetically engineered materials, but certainly, they import large amounts of genetically engineered corn and soybeans and use it as animal feed. Bill No. 2491 calls for mandatory buffer zones that would significantly reduce the amount of land we would farm in the future. We handle pesticides in a manner that is safe and consistent with the requirements of the label. Those labels are on each pesticide, approved by the Environmental Protection Agency. They clearly instruct how each pesticide is to be used. This Bill would create confusion and inconsistencies. Where a few, but not all farming operations, would be expected to follow another set of rules and guidelines that conflict with requirements that are actually specified now on the labels of those products. While this Bill is targeted to impact specific farms, expansion of these mandatory buffer zones to other Kaua'i farming operations could make it very difficult over time for other farmers to be economically viable. On Kaua'i, our typical farm is often one (1) to five (5) acres, so the mandatory buffer zones would have a significant impact on farmable lands. We support all types of agriculture and encourage polices that enable farmers to thrive. The potential for extension of this Bill to other types of Kaua'i farming would have a negative effect on other farming operations and entities that use organic and conventional EPA registered products to control weeds, insects, and diseases.

Chair Furfaro: Cindy, those were your three (3) minutes.

Ms. Goldstein: Thank you. We appreciate the opportunity to give testimony.

Chair Furfaro: Thank you. Are there any questions?

Ms. Yukimura: Cindy, just your concern about small farms—you are talking about it as a potential if this law would be extended because it does not right now?

Ms. Goldstein: It targets in reading through—it targets specific farms but we could in the future see a desire to expand some of the mandatory buffer zones described to others that use—there is organic, as well as conventional control products that are EPA registered. This could—should it be expanded to other types of farming operations could have a significant impact.

Ms. Yukimura: Okay. Thank you.

Mr. Hooser: We have a lot to get through but when there is misinformation, I want to make sure it is clear. This measure does not target farms. It targets the users of restricted use pesticides who use very large quantities. Ninety-nine percent (99%) of the restricted use pesticides are used by five (5) companies, of which yours is one (1) of them. This does not apply to small farmers whatsoever. That is number one (1). I just have two (2) questions. One (1) is that I have been trying to get a copy of an experimental pesticide permit that Pioneer has...and the Department of Agriculture. It is a State permit and a Federal permit. It is my understanding that it is public information. I have been told by

the Department of Agriculture that Syngenta and Pioneer is fighting the release of that information. Again, the reason for this proposed ordinance is so we are entitled to know what chemicals and pesticides are being used. I am asking you if you will provide that information to the Council—number one (1)? Number two (2), do you believe that your company should be able to spray restricted use pesticides right next to schools? Do you believe there should be no buffer at all and no restriction on where you spray these toxic chemicals?

Ms. Goldstein: Well, I certainly understand the concern for safety for our employees, neighbors, and families in the area and the schools. Built into the EPA's guidelines on how each individual pesticide is used, they take into consideration each compound individually. My understanding of the way that the Environmental Protection Agency puts a label on a compound, it is by the individual compound taking into consideration of how you would use that particular compound. That has already been taken into consideration when those rules were developed...from what I have read from the EPA.

Mr. Hooser: You are okay with spraying restricted use pesticides adjacent to schools if the label says it is okay?

Ms. Goldstein: We follow the label and the label describes how it should be used.

Mr. Hooser: Okay. The experimental permit—can you provide that information to the Council?

Ms. Goldstein: I can certainly try to gain a better understanding of what that permit is and we can take that up.

Mr. Hooser: So is that a yes?

Ms. Goldstein: I would really have to see what the nature of that is and what the history of that is. I do understand your desire and interest but I would have to take that up further.

Mr. Hooser: Thank you very much. Thank you, Chair.

Chair Furfaro: Cindy, we do not have any more questions for you. Thank you very much. Next speaker, please.

Mr. Sato: Next speaker is Romulo Constantino representing Dow, followed by Tiana Laranio.

Chair Furfaro: Is Romulo present? He is outside? No? Tiana Laranio is. She is coming. Let me make a housekeeping item first. I have instructed the Staff to bring the sign-up sheet up here now, so that one (1) our Staff members may go home. If there is anybody in here who still wants to speak, the sign up spot has moved from downstairs to up here. If you plan to speak, please sign up from here. If you signed up this morning, we still have you on the list. Is there any new people wanting to speak? Who is giving testimony next?

Mr. Sato: Next speaker is Tiana Laranio, representing 'Ohana 'O Kaua'i, followed by Elijah Frank.

TIANA KALEOOKALANI LARANIO: *Aloha,* Council. For the record, my name is Tiana Kaleookalani Laranio. I was born on Kaua'i and raised in Anahola. I am in strong support of this Bill. It is simply asking the basics. We have a right to know what is being exposed in our air and possibly our water. There is all this talk about maybe there is experimental and maybe there is not. Can we create dialogue? Can we come together and have a conversation whether that is happening or not? I think it is important for the ability to protect the health and life of the community. If you do not know what is happening in your backyard, how do we protect ourselves? I think it is very valid. I have been hearing a lot of talk about laws and labels and "we follow the label" and all of that. There are laws around here that are already being broken. We have lorazepam appearing on air samples taken from the school. The label of lorazepam says, "No safe guidelines level for exposure by children." It also states, "It cannot drift from the property from which it was applied." "Cannot drift from the property"—that is on the label. Our laws are being broken and I appeal to lawyers everywhere to please help us hold them accountable. If these things are not happening, then let us open up dialogue. That is what this Ordinance in asking. It is not asking to ban and close down your production. I want to make had a comment to agriculture and where I feel coming, being a Hawaiian, being a human as a steward blessed to love this land and grow healthy food for our *keiki* and children. I just feel like with this not being able to know how many pesticides are being sprayed, it is possibly contaminating our soil, and the soil is number one (1). That is our major resource right there. That is how we get the food to be healthy and that is how we in turn are healthy. "Let thy food be thy medicine." Hippocrates said it himself. Things do not need to be modified to have medicine in it. The food itself is medicine. If we were opening up other solutions of growing organic farmlands and providing food for the community, we cannot even eat these crops; there is fifteen thousand (15,000)—well, as far as I know, we cannot eat these crops. It is just one (1) crop monocropping. How is that feeding the world? Honestly, I am concerned about our community. I am concerned about the children and the future, the health of our land, and food sustainability for our island. I support this Bill and this Ordinance all the way and I do hope that you do your own research and look into things yourselves. Look at both sides, not just one (1) funded side, but all sides and feel it from your *na'au. Mahalo.*

Chair Furfaro: That is your three (3) minutes. Thank you very much. If anyone has not signed up, whether you signed up this morning or just now, please see Eddie. Next speaker, please

Mr. Sato: Next speaker is Elijah Frank representing 'Ohana 'O Kaua'i, followed by Jerry DiPietro.

Chair Furfaro: Since, Elijah Frank is not present to tesify, next speaker please come up.

JERI DIPIETRO: *Aloha* Council Chair, Vice Chair, and Councilmembers. My name is Jeri DiPietro and the founding member of GMO Free Kaua'i and Hawai'i Seed. The citizens of Kaua'i currently do not have the right to know what herbicides and insecticides are sprayed on our island by large industrial agricultural companies. This concerns many people and we think you should be concerned as well. We hope that you will join us to formally request disclosure about what large amounts of chemicals are being sprayed, restricted use pesticides, and when and where they are being applied. The islands are very fragile and people from around the world admire our unique and attractive environment. Yet,

the most lethal chemicals and some of the most controversial experiments in the world are being conducted here in our communities, very close to our schools and waterways. Herbicide tolerant crops like RoundUp Ready corn and soy and insecticide producing crops are not only being grown here, but are being multiplied here by the biotech industry. This type of experimental and controversial testing is the most destructive thing happening to our environment, families, and to our visitor industry. Why would we put that at risk? It has been a long time that we have been coming here to discuss this. We really thank you so much for entertaining an honest discussion about this important issue. These poisons are going into the air we breathe, the water we drink, and the food we eat every day. We need to stop these poisons. We want a safe environment for our *keiki* and we also want safety for our fieldworkers. We care very much about them too and we are very concerned. We are ground zero for this chemical corn and chemical soy. These experimental field tests of transgenic commodity crops are without any disclosure of any environmental impact studies. No one ever asked us if we wanted this. I think if they had or if they do, we would hear a large outcry that this is something that needs to be looked into deeper. These are pesticide companies that have bought up the traditional and organic seed problems around the world in an attempt to patent and control the food supply. They are prohibiting seed saving and they are interfering with our version for producing and growing locally grown food. The use of herbicides in these field trials magnitude greater than what is used in traditional agriculture. Conducting field tests of herbicide tolerant seed is completely different than producing regular traditional crops. As you hear many times, the label is the law. When we had a study here conducted by the County with the help of the University of Hawai'i, we did find drift. Lorazepam and chlorpyrifos was found at Waimea Canyon Middle School in that study. The stinkweed was quite a diversion, but it was present.

Chair Furfaro: Your three (3) minutes are up.

Ms. DiPietro: Thank you very much.

Chair Furfaro: Are there any questions? Mr. Bynum.

Mr. Bynum: (Inaudible).

Ms. DiPietro: Yes, there was testing of the drinking fountain one time and the presence of atrazine was found.

Mr. Bynum: That was with the "USGA?"

Ms. DiPietro: USDA.

Mr. Bynum: Okay. Thank you.

Chair Furfaro: If you have material that you want to share with the Council, please give it to Christiane and we will get it distributed.

Ms. DiPietro: *Mahalo* Council Chair.

Mr. Sato: Next speaker is Felicia Alongi Cowden, followed by Mark Lauchner.

Chair Furfaro: Felicia, are you present? Please give a look outside if Felicia is there. No? Okay. Next speaker, please.

Mr. Sato: Next speaker is Mark Lauchner representing Syngenta Hawai'i, followed by Gerry Jervis.

Chair Furfaro: Mark? Mr. Jervis? None is present at this time.

Mr. Sato: Next speaker is Kyle Smith, followed by Michael Austin.

Chair Furfaro: Both are not present. Next speaker, please.

Mr. Sato: Sarah Thompson.

Chair Furfaro: Next speaker.

Mr. Sato: Robert Gandia.

Chair Furfaro: Come right up, Robert. Please introduce yourself.

ROBERT GANDIA: Chair Furfaro, Vice Chair Nakamura, and members of the Kaua'i County Council. Thank you for this opportunity. My name is Robert Gandia and I am from Kekaha; born and raised. I am part of a rich and proud heritage of Kaua'i agriculture and I oppose this Bill. I have lived on Kaua'i for fifty-three (53) years. My family has been here for over two hundred (200) years. I am a registered voter. I am here as a private citizen to give testimony. I am opposed to this Bill because it does not support farming or help farmers in this skill that we do. I believe it unfairly targets one (1) industry that is already following State and Federal guidelines of pesticide use. This Bill will not only have a disastrous effect on the West side economy, but was introduced with false information of pesticide use in GMO operations. They operate within laws and protocols set by the State and Federal government, so adding another layer of government will add more bureaucracy. I have worked in the sugar industry and the way of farming that they used. The biotechnology is an important tool in moving farming into the next generation. If we are to keep up with the growing population, we need new scientific tools and innovations, as they play a key role in modernization and sustainability. All of this false rhetoric that is being published by the local media and by the anti-GMO groups serves no purpose but to undermine the hard work and efforts of this industry to take farming into a new direction like dealing with drought, limited space, and insect infestation. Instead of praising the efforts of the industry, they are constantly being portrayed as the villain. There is no scientific evidence that can prove this rhetoric; it is just hearsay. In the scientific community, this is not the way to handle the problem. You rely on facts and the facts have been given like the Waimea Canyon School report, water report, and air quality report—still not enough...hard evidence collected by the State government—ignored and tossed aside. Yet, you do not question the hotels that have golf courses, private homes, farmers, fumigators, and anyone else who applies pesticides. I am pro-agriculture and believe in biotech science and their way of solving problems in food supply and farming techniques. It is very safe and we follow the law. I do work for one (1) of these companies. In closing, I have to say that a lot of people will lose their jobs if this Bill is passed. It will put very hard,

economic stress on the people of the West side, which we rely on a lot of agriculture. It will not go silently into the night. It will remain on their minds for a long time.

Chair Furfaro: Three (3) minutes.

Mr. Gandia: Thank you for listening to my testimony.

Chair Furfaro: That is your three (3) minutes. Are there any questions? Thank you very much.

Mr. Sato: Next speaker is Evan Meek, followed by Lauren Meek.

Chair Furfaro: Both are no present. Next speaker, please.

Mr. Sato: Russell Nonaka, followed by Mark Phillipson.

Chair Furfaro: Mr. Nonaka is not present, but Mr. Phillipson, please come up.

Mr. Sato: Mr. Philipson is representing Syngenta, followed by Don Heacock who is representing Hawai'i Farmer's Union United.

MARK PHILIPSON: Good evening Council Chair, Vice Chair, and Councilmembers. My name is Mark Philipson. I am with Syngenta. I am here representing the Hawai'i Crop Improvement Association, which is our trade association. I would like to clarify one (1) thing about the drinking water at Waimea. It was sent to the USDA and they did find 0.006 parts per trillion. They tested it for over one hundred fifty (150) other compounds, and that was the one (1) that they found. That is a multitude below the safety standards. It is well within. I want to concentrate on one (1) part of this Bill, and I do oppose the Bill. If I can pass this paper to the—it has been told it will not restrict or affect our business. What I want to show you is that this is a map of the Mānā plain. As you can see, there are a lot of blocks on there...the black blocks. The little *pukas* in there are the areas where we would be able to farm, given the five hundred (500) foot restriction. We would lose ninety percent (90%) of our lands. It is restrictive and inhibiting business. It drives the business right out. I could show the audience the map as well, so they can see. That is giving the five hundred (500) foot buffer of restricted use by any hospitals, residential, public school, waterway, shore, streamline, et cetera. We do farm, as you know, near Waimea Middle School. We abandoned that field in 2009 and have not farmed it since. We are good neighbors. We live in this community. We care about this community. The last thing we want to do is harm anybody or anything. That concludes my testimony.

Chair Furfaro: Thank you. Are there any questions? Councilmember Yukimura.

Ms. Yukimura: Hi, Mark.

Mr. Philipson: Hi.

Ms. Yukimura: In doing that map, which is shows very dramatic impact, did you consider irrigation ditches as a stream?

Mr. Philipson: Yes.

Ms. Yukimura: I know the definition of "stream," in the Bill is pretty general, so I wanted to know what your assumptions were.

Mr. Philipson: Yes, it included all the irrigation ditches and anti-perennial streams.

Ms. Yukimura: Okay, thank you very much.

Chair Furfaro: Councilmember Kagawa.

Mr. Kagawa: Thank you, Mark. Going back to the water, you said point what? Point trillion?

Mr. Philipson: I said 0.6 parts per trillion, but there are very few labs that can measure parts per trillion, so parts per billion is a more familiar measurement with water quality. It would be 0.006 parts per billion.

Mr. Kagawa: So 0.006 parts of atrazine per billion parts of water?

Mr. Philipson: Yes.

Mr. Kagawa: I cannot even think what kind of fraction that is. I have one (1) more question. The proponents of this Bill or introducers have said it would not affect your operations currently, but you are saying that losing ninety percent (90%) of your farmlands is going to affect your business?

Mr. Philipson: I am not exactly sure on the percentage but as you can see, it is very dramatic and it would severely curtail operations.

Mr. Kagawa: If I was a farmer and they took away ninety percent (90%) of my land, I think I would pretty much go out of business. Thank you.

Chair Furfaro: Council Vice Chair Nakamura.

Ms. Nakamura: Currently Mark, what are the buffer areas? What is the distance that you keep from your crops to the streams or from the road?

Mr. Philipson: There are Federal mandates on that. The National Pollutant Discharge Elimination System (NPDES) permits are for any business for farming, but as you are probably well aware of, dealing only in the County issue. I believe that it is twenty (20) to twenty-five (25) from the edge of any stream or waterway. I am not positive exactly, but it is somewhere in that range.

Ms. Nakamura: Could you get back to us on that?

Mr. Philipson: Sure.

Ms. Nakamura: I think it would be interesting for all the seed/corn companies to know what the current buffer zones are, based on the type of

pesticides you are using for streams, roads, and the other items used in the current Bill, and if it varies from companies, that would be good to know as well.

Mr. Philipson: Okay, I will do that.

Chair Furfaro: Mr. Hooser, and then Mr. Bynum.

Mr. Bynum: Thank you very much for coming. I sincerely believe that you do not intend or your company or the workers do not want to hurt anyone or cause anyone to be ill...

Mr. Philipson: We have been here for forty (40) years.

Mr. Hooser: I understand that. I appreciate your good faith that you want to do the right thing. Are you willing to work to determine what buffer zones might be appropriate? The Waimea Canyon School issue, which you abandoned—your company abandoned and stopped the field next to it. I appreciate that, but that only happened quite frankly after the Legislature...and I was part of that, almost passed a bill to mandate buffer zones by schools. That was kind of a compromise solution. Your company agreed to first of all, put in a volunteer buffer there and ultimately I guess you have abandoned the field. If the definition of "streams" is too broad, we could certainly correct that definition. There is no question. We had testimony earlier today from five (5) well known long established Pediatricians in our community. Accompanying that testimony was a report from the Academy of Pediatrics that said clearly small children are the most vulnerable. There was a section there on agriculture and foods that drift. What we want to do is protect the health of our community. Would you be open to discussing with us about buffer zones by schools, hospitals, and other very vulnerable areas so that we might amend it to something appropriate that would give the community confidence and allow you to maintain your business operations?

Mr. Philipson: I appreciate your openness to that. We certainly would.

Mr. Hooser: Okay. Thank you very much. Part of the nexus for this is—a big part of the nexus was the right to know. As you know, I have been trying to get information from your company and other companies on pesticides for many months and was not able to do so. I had to go the hard way through the Department of Agriculture, and I still do not have all the information. I asked Pioneer the same question that I would like to ask you. I have been told in writing that your company possesses an Experimental Pesticide Use Permit. The Department of Agriculture was initially going to give it to me, but they say now that Pioneer and Syngenta are arguing against it. I have been trying to get that for several months now. I understand it is public information, and I have been not able to get that. Would you be able to present a copy of that permit to the Council?

Mr. Philipson: Yes. I think it is public information. I think that the question is a matter of redaction on that to protect the employees who could be harassed. I can tell you a little bit about that Experimental Permit. It was issued into 2010. The reason for the permit was that the product is labeled for corn and the scientists wanted to try it on soybean, so that is an off-label. It is an approved product. It is EPA. It is a process that you need to formally do, and so that is what that permit is regarding.

Mr. Hooser: I appreciate that, but I have been told other things by the industry that did not always come out to be totally accurate. A copy of the permit...

Mr. Philipson: Let this be one of my tests then. Test me on this one.

Mr. Hooser: I have gotten other information with names redacted easily, and I have trying to get this for ninety (90) days. I have not been able to get it. If we get a copy of the permit, it will be the test. Thank you. Thank you, Chair.

Chair Furfaro: Mr. Bynum, you wanted the floor?

Mr. Bynum: The field next to Waimea Canyon was a Syngenta field?

Mr. Philipson: That is correct.

Mr. Bynum: Why did you choose to abandon it?

Mr. Philipson: We were actually—I would have to say it was public pressure. It worked.

Mr. Bynum: Are you aware of the outcome of the study that the University of Hawai'i did with funding from the County of Kaua'i?

Mr. Philipson: Yes.

Mr. Bynum: Okay. What was the outcome of that acute exposure study?

Mr. Philipson: At Waimea Canyon School?

Mr. Bynum: Yes.

Mr. Philipson: They found five (5) compounds at Waimea Canyon all within safe limits. The control school was I think Hanalei, and I believe there they found three (3) compounds. The three (3) compounds that were similar in both schools were legacy compounds.

Mr. Bynum: Mark, I would love to talk more about this but given the time constraints, I assume you will be here at future meetings.

Mr. Philipson: Yes.

Mr. Bynum: We do need to work together as a community to address these issues. The answer to that question—and I do not want to belabor it but this County funded a study of fifty thousand dollars ($50,000) with an agreement from the Department of Health in response to the Waimea Canyon incidents...the whole incident there was about acute exposure to drift. That was the concern. The Department of Health and the University agreed to do that study and we helped fund it—the County of Kaua'i. They never did that study after they contracted with us to do it. I just want to let you know that incident happened and

we tried to get the Department of Health to deal with it. They said, "We do not have any money. You give us some money to study stinkweed and we will do it all. We will check the ambient levels of air. We will do an acute exposure study," which is the reason we asked for this in the first place. You have to study stinkweed so we studied stinkweed, but they just blew us off for four (4) years and did not do anything. I am asking the County Attorney to look at that contract and see whether it was violated or not. I have all those records. I would like you to review them and let me know if you would be unhappy if you were a Councilmember who were given these assurances, and then had it go the other direction.

Mr. Philipson: I do not represent those organizations, but they did find stinkweed...

Chair Furfaro: Mark, you do not represent the State Health Department, but may I just get a confirmation that you agree to meet with Mr. Bynum on this?

Mr. Philipson: Sure.

Chair Furfaro: Thank you.

Mr. Bynum: Mark, I have enjoyed meeting you, Cindy, Sarah, and all the people who work for these companies on Kaua'i. I think you are fine individuals and very sincere. Your beliefs and your ideas—it is not about...because we are community members. We all want the same thing. I am not questioning anybody's sincerity or integrity but you work for very aggressive companies. I will talk about that later. The decisions that get made that upset us are sometimes not made by those of you who live on Kaua'i...

Chair Furfaro: Excuse me, members you need to pose questions.

Mr. Bynum: I am done. Thanks, Mark.

Chair Furfaro: Okay. Thank you very much.

Mr. Philipson: Thank you, Chair.

Chair Furfaro: Do we have other questions from other members? Questions? Okay. Thank you very much. Next speaker, please.

Mr. Sato: Next speaker is Don Heacock representing Hawai'i Famer's Union United, followed by Arthur Brun.

DON HEACOCK: Good evening, Mr. Chairman and members of the Council. My name is Don Heacock. I am a taro farmer and Professional Fisheries Biologist. I am a father of two (2) and one (1) grandson. I am also representing the Hawai'i Farmer's Union United statewide. We had a legislative retreat this last weekend on Maui, and many of these issues that we are talking about right now today came up for hours. I just want to summarize my testimony. I E-mailed it to you this morning. First of all, I am strongly in favor of this Bill. I respect everyone's opinion, even though they might differ from mine. There is an old saying that I love to quote, "We are all ignorant, just on different subjects." That is so true. That was Will Roger's. When I think back about pesticides when I

was in graduate school, we tested the Compound 7, which you can buy in Home Depot. It is an insecticide. It is toxic to all known fish at one part per billion. That means acutely toxic, where it kills them dead. At six thousand (6,000) parts per billion, which is what atrazine was found in Waimea, it may not kill anything, but it might have sub-acute levels where it changes their behavior, stops them from reproducing, and many potential impacts. Restricted use pesticides are in fact poisonous and they are poisonous and toxic to every known form of life on planet Earth, either acutely or sub-acutely. The problem is that we have not tested those thoroughly enough to know their effects on the environment on organisms, et cetera. The Hawai'i Farmer's Union supports strong family-run farms, sustainable agriculture, food security, job promotion, and all the things that the National Farmer's Union set down in place in 1903. Certainly as Mr. Hooser pointed out earlier, Bill No. 2491 is certainly constitutional. The genetically engineered crops, if you read Article 11, Section 3 and 7 of the State Constitution, may not meet the intent and spirit of our own State Constitution, which points out that we need to improve agricultural, food self-sufficiency, and protect all of our own natural resources.

Chair Furfaro: Don, that is your time, yes.

Mr. Heacock: Three (3) minutes is gone? Wow.

Ms. Yukimura: I have a question.

Chair Furfaro: Don, we have a question for you.

Ms. Yukimura: Hi, Don.

Mr. Heacock: Hi, JoAnn.

Ms. Yukimura: Thank you for being here.

Mr. Heacock: Thank you.

Ms. Yukimura: I just wanted to get this accurately. You were talking about six thousand (6,000) parts per billion?

Mr. Heacock: Yes, that is what the previous speaker said; 0.006 parts per billion would be six thousandths of a part per billion.

Ms. Yukimura: I thought it was 0.006 parts per billion?

Mr. Heacock: It was. That is what he said; tens, hundreds, thousands; that would six thousandths of one part per billion. I know that is confusing, that is why we usually write them 0.006 part per billion. If you had that in rainfall, it would be six thousandths of an inch of rain.

Ms. Yukimura: Okay. Thank you.

Mr. Heacock: You are welcome.

Chair Furfaro: Any questions for Don at this time? If not, Don, thank you very much. Next registered speaker.

Mr. Sato: Next speaker is Arthur Brun, followed by William Ash.

Chair Furfaro: Would you see if there is an Arthur Brun outside? What is the second name?

Mr. Sato: William Ash, followed by Makai Mycynek.

Chair Furfaro: Give a call out because I can hear people downstairs. Ash, is that you? Come right up.

WILLIAM ASH: My name is William Ash. I want to thank you for this opportunity to come before the board. Thank you for representing me. Thank you for taking the time to look after my best interests. I cannot defend myself against multi-national corporations, who have ruthless business practices and are looking for the bottom line. What they are doing with the chemicals and the numbers that they quote, the toxicities that they possess; we cannot even imagine that their uses and their long-term uses may affect us for multi-generations in our genes, water supplies, and our food. I thank you for coming up and having the forthright and honest, sincerity of looking after our best interests. The honest people who work hard need to make money. The people who ship, work, and farm. These companies are using us to their short end goals. Most chemicals I think are only used for about ten (10) years before they become obsolete, resistant, or really no fit for use. The experimental chemicals are kind of scary. With our past history with arsenic, lead, dioxin, and DDT, just to name a few have had really long lasting consequences. These people with their live through better chemistry really sincerely believe that they are doing the best thing for us, their companies, and the people that they work with but I do not think they truly appreciate the history that has happened in the past with agriculture and with chemicals. I thank you for your consideration and your hard work.

Chair Furfaro: Thank you. Next speaker.

Mr. Sato: Next speaker is Makai Mycynek, followed by Wayne Katayama.

MAKAI MYCYNEK: *Aloha* Council.

Chair Furfaro: *Aloha* Makai.

Mr. Mycynek: My name is Makai Mycynek. This is my first time testifying, so it is a little strange looking at seven (7) people staring at you.

Mr. Rapozo: We feel the same way.

Mr. Mycynek: I have Haden mangos for each one of you Councilmember. If you want a little later, just find me. I will be down there cruising. I grew up on a boat here in Polynesia. I have lived here all my life. If you do not know where Polynesia is, it is Hawai'i, Rapanui, and Aotearoa. All of that is Polynesia. I traveled a lot. I sailed down to Tahiti when I was a kid. I lived down there and the families brought us in. The *aloha* down there is unreal. Every time I go to Tahiti, it is unreal. You do not want to come back to Kaua'i, there is no culture. The culture is just getting eaten up. It is like we are losing it. I lived in Japan and they have culture. They love their culture. Our culture is to farm off the

land, fish, hunt, but we are losing all of our rights and poisoning the land. You say that is the way to live? We should try to heal the land. It is time to change it. Everybody is awakening—"we have to be self sustainable" and more "green." For the last seven (7) years, I have been growing organic food for myself and my family. The food is so much better than going to the store and eating the food from the shelf. It is so much healthier for you. This will support everybody. It is a benefit for the whole island for everyone to be healthier and happier. That is all I have to say.

Chair Furfaro: Thank you very much.

Mr. Sato: Next speaker is Wayne Katayama representing Kaua'i Coffee Company, followed by Ulu Schmidt.

WAYNE KATAYAMA: Good evening, Chair and Councilmembers. I know it has been a long day so I will be brief. I am Wayne Katayama, President and General Manager of Kaua'i Coffee Company. I am against the Bill as written. This Bill is polarizing our community. What I would like to see coming out of this is us moving together. I share the same values that have been professed or spoken here today; which is sustainability community, healthy soils, and employable jobs. Kaua'i Coffee is a family owned business that farms three thousand (3,000) acres of coffee. Some of our trees are twenty-five (25) years old now. I am here today reaching out to the Council, community, and to the County Administration to find a win-win-win solution. I understand people's concerns that are being raised by this Bill. I would like to address that. Thank you.

Chair Furfaro: Thank you. Councilwoman Yukimura.

Ms. Yukimura: Hi, Wayne.

Mr. Katayama: Hi.

Ms. Yukimura: Thank you for being here. It just occurred to me that Kaua'i Coffee might be a user of pesticides, and that you would be covered by this Bill?

Mr. Katayama: Yes.

Ms. Yukimura: In terms of restrictions?

Mr. Katayama: Yes.

Ms. Yukimura: Can you share with us how you would be affected by it?

Mr. Katayama: We exceed the maximums as stated in the Bill for restricted use products, therefore we will be subject to all of the reporting regulations and the buffer zones as required.

Ms. Yukimura: Will there be, as substantial, a reduction in your farmable areas as Mark showed us?

Mr. Katayama: We are looking at that currently. The Bill as written—I received it on Friday, so we have had a sort of marathon session trying

to, first of all, understand it and second of all, measuring the impacts on our operations as we know it today.

Ms. Yukimura: At a later day, perhaps you can give us that information?

Mr. Katayama: Absolutely. I think we need to sit together, addressing each concerns by the different parties, and crafting a Bill—and we have worked through these on other more difficult or just as difficult legislation that this body has enacted. I see this going the same method.

Ms. Yukimura: Are you aware of any other non-seed companies that are affected by this other than Kaua'i Coffee?

Mr. Katayama: Not to my knowledge.

Ms. Yukimura: Okay. Thank you very much.

Chair Furfaro: Mr. Hooser

Mr. Hooser: Good afternoon.

Mr. Katayama: Good afternoon, Gary.

Mr. Hooser: It is my understanding that Kaua'i Coffee would only be affected in two (2) areas basically. One (1) is disclosure and the other would be the buffer zone.

Mr. Katayama: Yes.

Mr. Hooser: Do you object to the disclosure, as well as the buffer zone?

Mr. Katayama: I think we need to talk through that. Like anything else, raw data in itself is sort of meaningless. What you need to do is put it in context and use. I think that is the framework that we need to develop here as a group, where you receive meaningful data that addresses the concerns of the community.

Mr. Hooser: I appreciate that and that is why we are here today.

Mr. Katayama: I agree.

Mr. Hooser: I think four (4) months ago, I wrote to Kaua'i Coffee and we exchanged some messages. Kaua'i Coffee, like the seed companies, choose not to provide me with the data so it is difficult to analyze impacts without data. The nexus of this Bill is to require the data to be provided, and then analyze the impacts.

Mr. Katayama: I think the challenge though is that what context the data would be used. Case in point, we use twenty-seven million (27,000,000) gallons of water per day. Is that bad or good? If you break it out on a per-square-foot basis, which is less than a quart. Twenty-seven million (27,000,000)

sounds like a lot and relative to what sugar used to use, that is a fraction. Again, I do not disagree with any of the speakers about protecting the soil because that is our life. Our trees are twenty-five (25) years old and we have to ensure that they continue to be vigorous so they can help us maintain the amount of crop that makes sense for us.

Mr. Hooser: My question is about disclosure. Do you object to public disclosure?

Mr. Katayama: No, I am willing to work on all of that by disclosing the information that is meaningful to the public, working on buffer zones that are meaningful to the community. We all live there and we are not intentionally trying to overspray. That is costly.

Mr. Hooser: I understand that. Thank you very much. Thank you, Chair.

Mr. Katayama: Thank you.

Chair Furfaro: Mr. Katayama, we have one (1) more question from Mr. Kagawa.

Mr. Kagawa: Thank you, Wayne. It seems like you are willing to work with parts of this Bill, but would it not be better or more efficient if the State or the Federal government would bring forth some of these answers that Mr. Hooser wants with their professionals, instead of hiring another layer of government to oversee agriculture?

Mr. Katayama: I agree. Again, that is where we need to have this conversation on the best vehicles that make sense.

Mr. Kagawa: I have only been here six (6) months, and while everybody else seems to have given up on trying to work with the State and the Federal, I still hold the hope that they are not all corrupt and that we have some people that are in there that do care about the people, just as much as they care about the shearwaters and the monk seals. I just have that hope.

Mr. Katayama: I do, too. Thank you.

Chair Furfaro: Thank you, Wayne. Scott, I need to make a housekeeping announcement here. Members, I have to make some decisions as we move forward today. We are mandated to take a dinner break at 7:00 p.m. for an hour for our Staff. I would like to know if I could get an indication if I continue the public hearing tomorrow, just by a show of hands, how many of you can be available tomorrow? I would need four (4) individuals. Can we take a moment to check our schedules? The time I am asking for is 9:00 a.m. How many members of the Council can come tomorrow at 9:00 a.m.? Five (5). Okay. I will be thinking through the dinner break on what I am going to do. We will come back tonight at 8:00 p.m. after the dinner break so I will make some decisions at 8:00 p.m. Let us continue taking a few more testimonies and we will talk about this when we come back from the dinner break. Do you have a question?

Mr. Kagawa: Mr. Chair, I talked to Mr. Hooser over the break and I kind of agree with him that maybe instead of prolonging tonight, let us

vote on it on first reading. Then let us plan on spending a long morning and night on July 31st at the Public Hearing, and then we have some time to work on the Bill. Whatever they testify tonight, they will probably say that and more on the 31st so we can just hear it one (1) time.

Chair Furfaro: I want to make sure that the members understand here that this agenda item today has to be completed. We still have a one hundred seventy (170) people and we have gotten through about one hundred ten (110) of them. We still have sixty (60) by our rules that could continue to offer testimony on the agenda item that is here. Now either we do that all night after 8:00 p.m., or we recess the meeting and let those speak tomorrow morning. That is what I am going to discuss at the dinner break. Before I got to that point, I needed to understand the fact of the matter is can I get enough people for a quorum to continue if we recess? That is the first question. The second question is that I already advised you on the 31st, we are planning for a long day. I am going to make sure that once the public hearing item starts at 1:30 p.m., not only do I plan to continue with no other business in the afternoon, but I am actually going to look for a different facility for the venue. I want to know right now—we are required to take a dinner break. Do we continue tonight or if we decide to go tomorrow, who can make it? I need four (4) people.

Ms. Yukimura: Chair?

Chair Furfaro: I am going to recognize you now, but I wanted to take the time to reemphasize what I previously stated. I think you need to understand that. JoAnn, you have the floor.

Ms. Yukimura: I think another bit of information would help us and the audience can also help—I think we also might want to know how many people are planning to testify today or tonight, or do not mind coming back and testifying on the 31st?

Chair Furfaro: JoAnn, I was going to continue with that question but there is no sense in asking that question if I did not know I had at least four (4) people for tomorrow. That is the first question. It looks like we may have that. Rather than restate your question myself, may I see anyone in the audience who has signed up but will not be able to make it tomorrow? Okay, so we are going to continue most of the night. Very good. Thank you.

Mr. Hooser: Chair, I have a question.

Chair Furfaro: Sure.

Mr. Hooser: I apologize. There has been a lot of discussion, but I am still not real clear. Part of it is that it is the community's right to testify. They are here. Part of it is the time and all of that. I think what Councilmember Kagawa was saying that if it was okay with the community, we could vote this thing out and go home. Then we can have a full discussion like you are already planning on doing. I agree with you, we do not want to cut off debate if there are people here who still want to talk. Maybe the question is how many people would feel compelled that they have to speak tonight and would otherwise maybe we could take the vote? Yes?

Chair Furfaro: Okay, so you understand my point. It would be very difficult if we did end tonight with no more discussion, whichever way we go and then somebody will file a complaint with the Office of Information Practices (OIP) that I did not allow them to speak. That gets complicated and you understand that.

Mr. Hooser: I will yield to the discretion of the Chair.

Chair Furfaro: It is my intention after we come back from dinner to actually vote on the item for the Public Hearing. That will happen tonight.

Mr. Hooser: Okay. Good.

Chair Furfaro: I just want to make sure that we understand that there are rules from the Office of Information Practices. I now have documents that say, "These individuals signed up to speak," and I arbitrarily said, "We are not going to continue," I am opening up the Council for criticism. I think you are all aware of that concern.

Mr. Hooser: So we will come back after dinner and listen to testimony and vote at the end of the day?

Chair Furfaro: We still have regular business to do.

Mr. Hooser: Yes.

Chair Furfaro: We are here late anyway. Nadine.

Ms. Nakamura: If there are members of the public who signed up to testify, but would be willing to waive their right to testify tonight—can we get a list during the dinner break?

Chair Furfaro: That is what I am going to be thinking about on the dinner break. Do you have a question? Come here to the stand. I will state it one (1) more time. Introduce yourself, please.

AURELIUS MCNAUGHTON: I represent the Indigo Foundation for Enlightened Education for Sustainability. My one (1) question was—because it did not seem clear to me, whether if I waive my right to testify tonight, whether I will have an opportunity again on the 31st?

Chair Furfaro: Absolutely.

Mr. McNaughton: We could vote this out basically, pass on first reading, and come back on the 31st if I still have a statement I want to make?

Chair Furfaro: What I am saying—I will state it again, if we do not come back after dinner for discussion, we will be at another venue on July 31st. Procedurally during the dinner break, I have to follow-up on that because I have a list of people that came to give public testimony. There are certain rules that I need to refer to, with this waiving of any further testimony until July 31st. Secondly, this item was to assign a public hearing for a date in the future, which is July 31st. We still have to vote on that. That does not happen automatically. As I

said to Mr. Hooser, I plan to make sure that we vote on that when we come back from the dinner break.

Mr. McNaughton: Thank you so much for your consideration, Chair.

Chair Furfaro: Are you good with that now?

Mr. McNaughton: Absolutely.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: On that note, we are going to take a dinner break. We will have a decision when we come back at 8:00 p.m. after I am checking with the protocol rules. That is one of the items that are out on the table. For the Staff, I am going to let them have their entitlement up to a one (1) hour dinner break. We are in recess.

There being no objections, the meeting recessed at 7:01 p.m.

The meeting was reconvened at 8:02 p.m., and proceeded as follows:

Chair Furfaro: We are back in session after our dinner break. Mr. Hooser, what I want to do—I think I summarized before we left with the concerns that I have based on the fact that I might actually do a roll call and see who absolutely would like to speak today, but at the same time reminding everybody that if you were signed up, your list for signing up will be honored on the actual reading of the Bill for July 31st. We have an understanding. I have some documentation. I will go through the roll call of those who signed up. For those people who did speak already will get a second chance to speak on July 31st, but after all of those who have not been able to speak so that we do not have to be here the whole evening tonight. That is my plan but to do that, and to procedurally keep the Council in good standings, we will have to do a roll call to satisfy the OIP piece. Do you have any comments before I go into the roll call?

Mr. Hooser: Just briefly, Chair. Before we went on the break, we were all kind of tired and we have been here for a long time, so we discussed the options of possibly voting and then we all go home and come back on the 31st. Initially, that sounded like a good idea to me, but after hearing you speak about the importance of complying with OIP and with the law, I came to the conclusion we should err on the side of caution that it is clear that attorneys will be looking at our process so we need to make sure that we follow the process, and not later on get challenged because we cut a meeting short. I appreciate your attention to that detail and your approach to running the meeting. Thank you.

Chair Furfaro: Thank you, Mr. Hooser. I am going to ask a question to see if there is any indication that the passage of moving this for first reading on July 31st, that the majority of the Council is in favor of that so you have some assurance that the Bill for first reading will, in fact, come up on July 31st. Mr. Kagawa?

Mr. Kagawa: Thank you, Mr. Chair. I agree with both of you. I just wanted to state to the public that basically no matter what testimony I

hear, from now going forward, I will be supporting this Bill on first reading. Based on what I have heard already throughout the day and based on what I heard from Councilmembers, I feel like it is in our best interest to go with the Public Hearing on July 31st. Basically, I think I have consensus here of more than four (4) votes. Thank you.

Chair Furfaro: It looks pretty comfortable that the first reading Bill will appear, and then will appear as an item at 1:30 p.m. on July 31st. I am looking for another location for the venue so that we do not get in trouble with the Fire Code. That is the first thing I am going to do here. If somebody absolutely wants to speak now, you will be given the chance. If not, for all of those who signed up, your sign-up will be honored on the July 31st meeting. The Council still has a lot of other business to address tonight, as well. On that note, I will wait until you ask your question because I am going to have one of our Analysts read the roll call. Yes, JoAnn.

Ms. Yukimura: I will ask it publicly. I was trying not to lengthen the meeting but in honoring people who have signed up today, are they going to be asked to sign up again anyway? I just wanted to let people know whether on the 31st if they have to sign up.

Chair Furfaro: I said it once already and I will say it again. For all of you who have signed up, your sign-up in the order that you have signed up and have not spoken, will be taken on July 31st. Anyone who has spoken once will get a second chance to speak after those that have not spoken, speak first. I hope I have satisfied your query, JoAnn.

Ms. Yukimura: I guess. We are going to go through the list and you are going to have to call people to make sure they are in the hall...

Chair Furfaro: This is what I have done, JoAnn...

Ms. Yukimura: I am just thinking that it is simpler to have everybody sign up...

Chair Furfaro: Please, have some faith in what I am doing here. Eddie, did you tell everybody that was downstairs to come up? Is there anyone there? Okay. Where we left off on the last speaker, I am going to ask for a roll call by name. If they want to speak, they may speak. That is the fact. If you understand our predicament, all I want you to do is recognize you are here, if you are okay with that for OIP. For all of those who spoke earlier, their time of speaking has been recorded on our slips and we will be keeping the slips. On that note, may I start with a roll call from the last person that was signed up to speak?

JENELLE HUGHES, Legislative Assistant: Yes, Chair. Anthony Aguiar.

Chair Furfaro: Anthony, come right up.

There being no objections, the rules were suspended.

ANTHONY AGUIAR: I am Anthony Aguiar. I strongly support Bill No. 2491 regarding pesticides. There is a connection to the problem of not knowing what is being sprayed on the West side of Kaua'i; the problem we see in the Veterans of the Vietnam conflict. Those like myself show only a few problems

from Agent Orange. Others who worked in the sugar industry show ten (10) times the problems. The spraying of herbicides and pesticides on the West side will not have limited problems in the future when spraying is done every day; when the spray will be carried on the trade winds for miles, when herbicides that land in the dirt are kicked up again by the trade winds that blow that dust into our homes. We on the West side like my Vietnam-era friends have the potential for ten (10) times the problems. We do not need to wait forty (40) years; just look at me for a point. Come to the West side and I will show you ten (10) times the problem. I am, as I said, a Vietnam-era Veteran who served from October 30, 1965 to October 20, 1966. During my time in the country, I was sprayed on, walked on, and drank water that is contaminated with Agent Orange. By the grace of the draw, I did not work in the sugar industry. I am the lucky one. The friends of mine living in Kekaha who worked in the sugar industry, they have been exposed to the herbicides used by the sugar companies. I know of five (5) who are ten (10) times worse. We, the veterans, are the barometers of the problems that all of us will see in the future. I have three (3) websites to prove my point: publichealth.va.gov/exposure/agentorange62-71, Vietnam Veterans of America, and the last one, commondreams.org/headline06/0401/07.html. The last site is from the Country of Vietnam which shows a Mr. (inaudible), a twenty (20) year old student with birth defects. The other one is a Professor (inaudible)—she is a doctor...Medical Director of Tu Du Hospital. For forty (40) years, she has been trying to get without success to connect the birth defects to specific areas in Vietnam. The Department of Defense has not been forthright with information on specific areas sprayed with Agent Orange. Without that connection, she cannot file charges or get benefits for people from the United States of America. Again, Anthony Aguiar. I strongly support Bill No. 2491. Thank you.

Chair Furfaro: Thank you, Mr. Aguiar. Are there any questions for the testifier? If not, thank you very much. Thank you for your patience today.

Mr. Aguiar: No problem.

Chair Furfaro: We will continue with the roll call, please.

Ms. Hughes: Next on the roll is Blake Drolson.

Chair Furfaro: Blake, said he will wait for the Public Hearing. Next speaker.

Ms. Hughes: Ulu Schmidt. Not here. Hayley Giorgo-Ham Young.

Chair Furfaro: The Ham Youngs went back to Hanalei.

Ms. Hughes: Ned Whitlock.

Chair Furfaro: Come right up, Ned. You have the floor.

NED WHITLOCK: Good evening, Councilmembers. Thank you for your patience. Your stamina is amazing. Gary, thank you for putting this forward. The amount of work that went into those couple of pages of paper is amazing. I know it is very hard to come up with these ideas or how to formulate a piece of legislation that will work for everybody. I have been a farmer for thirty-five

(35) years. I am an Organic Certified Farmer, and that means it is all about disclosure. Everything that I do is written down and it is there. It is confidential, but between the certifier, me, and eventually UDSA, if they want to look at it, it is open information. Again, it comes back to "disclosure, disclosure, disclosure," because how can we test for things that we do not know what is happening and we are just talking? Case in point would be just looking at that map the guy showed on Mānā flats. Who monitoring those water ditches that we cross when we go to Polihale? What is happening there? How do I know? The other thing that personally affects me is that the moratorium would be very helpful in giving us some time before, perhaps Keālia or some area closer to where I farm—just in a selfish standpoint, might affect me directly between pollen drift...incorporated one of these GMO corn crops. Losing the (inaudible) tool as an organic farmer using it judiciously on corn crops that is just being close to the environment and leading to more insect resistance of using a tool like that. Thank you. That is all I have to say.

Chair Furfaro: Are there any questions for Ned? Thank you, Ned. Next roll call, please.

Ms. Hughes: Elaine Dunbar. Not present. Bryna Rose Oliko-Storch. Not present. Wayne Jacintho. Not present. Alfred Laureta. Not present. Titus Bontea.

Chair Furfaro: Welcome, Titus.

TITUS BONTEA: I am Titus Bontea. I have been a resident on the island for the last twenty-five (25) years or so. Thank you for this opportunity to participate in this rather important debate. What I am about to say is a little bit abstract, but the GMO controversy revolves around the safety. If it was not for the safety, we would not be here to discuss it. I do not really envy you because you hear from both sides. One side will tell you that it is pure poison and would present compelling evidence with graphics, slides, and whatever that is. Then you have the other side, who will tell you it is the best thing since indoor plumbing, sliced bread, raised jobs, and produced various things; however, your role is that of the gatekeeper or the elders of the village. (Inaudible). Your greatest asset is not (inaudible) anymore than a (inaudible) is in law. Your biggest asset that is really important is that simple, common sense. The other day, I asked a friend of mine who happens to hold a PhD in Mathematics and asked him, "What is your take on GMO?" He said, "I do not know anything about it because I am not a Chemist or a Biologist, but I will give you the genetic specific of what GMO is dealing with. It basically is dealing with a complex system. There is a branch of mathematics called the "Chaos Theory" which in layman terms states when you deal with a complex system, if you make a small change at the beginning of the cycle of the complex system, the results are unpredictable. You cannot possibly predict it." To give you an example, there is no genetic to GMO. Weather cannot be predicted, it does not matter how big a computer you have or particle physics. If the system is complex, those are the parameters. The system has to be complex. It has to have a change at the beginning of a cycle. The results—you cannot tell what is (inaudible). In layman's terms, this is the very definition of a "Pandora box." You cannot really predict the outcome. I will be short. On the pragmatic side, I think given the attention that GMO is given the controversy; if the tourist industry found out that this is a testing ground for pesticides, whatever, it could very badly affect the tourist industry. People do not want to go there.

Chair Furfaro: That is your three (3) minutes, so summarize you last thought, please.

Mr. Bontea: For the flip side of the coin, if you (inaudible), it would create a big market and create jobs for those guys who are concerned about the jobs right now, and you do not have to wear protective gear when you are spraying a safe product, which ends up on the things that we are buying and you are buying. Thank you.

Chair Furfaro: Thank you very much. Again, I would like to continue with the roll call. If they are willing, they will be able to speak on the 31st if they do not want to speak now.

Ms. Hughes: Carl Berg.

Chair Furfaro: Carl, come right up.

CARL BERG: My name is Carl Berg. I am representing the Kaua'i Chapter of the Surfrider this evening. Thank you very much for giving us the opportunity to speak. We look forward to presenting more factual information at the Public Hearing that is going to occur on the 31st. The mission statement of the Surfrider Foundation is that it is a nonprofit environmental organization dedicated to the protection and enjoyment of the world's oceans, waves, and beaches for all people through conservation, activism, research, and education. The first founding principle, which you can find on our website, is that Surfrider recognizes the biodiversity and ecological integrity of the planet's coast are necessary and irreplaceable. Surfrider is committed to preserving natural living and nonliving diversity and ecological integrity of the coastal environment. We are an environmental organization. Therefore, the Kaua'i Chapter of Surfrider believes that the health of the coastal ecosystems, streams, and rivers that flow into them must be maintained for humans and marine life. We are greatly concerned about pesticides in our streams and the groundwater that eventually reach the ocean. Most GMOs are created in order to confer resistance to heavy chemical input. The chemicals are therefore used in greater amounts leading to contamination of soil and water. There has been a huge amount of pesticides put on the land. I am not going to argue the math that was given earlier, but we are one of the major sites for testing of pesticides, which are chemicals, in the world. The pesticides even in small concentrations like we are talking about before, parts per trillion, they have harmful effects on stream and marine ecosystems. The extensive use of pesticides used by large scale, monocrop agriculture has led to them already being present in measurable quantities in our groundwater as you heard earlier, streams, and near shore waters of Kaua'i. I feel the landowners should be held responsible for having polluted these waters. We, as residents of the island, have the right to know what large scale agricultural companies are using, in what amount, and how it is affecting our environment and our health. Buffer zones protecting ditches, which are State waters, streams, and the shoreline are essential as those as around schools and hospitals. The monitoring of pesticides in soil, groundwater, streams, and near shore waters by an independent source is a must in order to protect us all. It is not the responsibility of the Surfrider Foundation. Therefore, we strongly support Bill No. 2491, relating to pesticides and genetically engineered organisms. We will be sending more information at a later date about the presence of these things in our Kaua'i waters.

Chair Furfaro: Carl, I want to make sure you understood because I hear you plan to give future testimony, but since you spoke tonight, I want to make sure that you understand that you will then speak after all of those that have waived themselves tonight.

Mr. Berg: That is right.

Chair Furfaro: You are very clear with that?

Mr. Berg: I am clear with your interpretation of that, yes.

Chair Furfaro: Members, we have to change the tape here. We are going to take a short break. Do not go far from the Chambers. We are going to change the tape right now. Carl, there will be questions for you when we come back to the table.

There being no objections, the meeting was recessed at 8:23 p.m.

The meeting was reconvened at 8:28 p.m., and proceeded as follows:

Chair Furfaro: We are back from the tape change. I will recognize Councilwoman Yukimura. She has a question for you, Carl.

Ms. Yukimura: Thank you, Chair. Carl, thank you for your testimony. You mentioned that at parts per trillion, there is still major impacts on the natural environment?

Mr. Berg: The chronic exposure at really low levels as in parts per trillion, some chemicals can cause changes in the biological function and the DNA, and changes in things such as the estrogenic compound formation.

Ms. Yukimura: Are there are experiments that show that?

Mr. Berg: There are myriads of different chemicals out there. Each of them has been tested. For example, atrazine and it is effect on amphibians. That is a prime example because we are so concerned about atrazine. Those levels are down in parts per trillion.

Ms. Yukimura: Okay, so there are peer review studies...

Mr. Berg: So the answer is yes.

Ms. Yukimura: Can you refer me to a peer reviewed study on atrazine that are showing those impacts? It does not have to be now.

Chair Furfaro: Carl, you can do that by E-mail.

Mr. Berg: Yes, I can send an E-mail to the Council about that.

Ms. Yukimura: Okay, great. Do you know how much monitoring of near shore waters there are on Kaua'i, and whether these chemicals are showing up?

Mr. Berg: The Department of Health has done some studies, not in monitoring, but more of a testing of the waters around the island for a whole myriad of chemicals. That is not my data. I am not privileged to tell you what is in that, but they did do that type of testing. Surfrider is doing some of that testing. I would imagine that the GMO companies have tested their soils and their waters and things also, but I have no access to any of that data.

Ms. Yukimura: The Department of Health data should be available as public information. Should it not?

Mr. Berg: Depending on what stage of the investigation that it is at. The investigation is not completed yet, so I am not sure.

Ms. Yukimura: This is fairly new instituted investigation? It is not something that is done regularly?

Mr. Berg: Right.

Ms. Yukimura: Okay, thank you.

Chair Furfaro: Okay. Mr. Kagawa, you have the floor.

Mr. Kagawa: Thank you for your testimony, Carl. I have heard of the Surfrider Foundation. I know you folks have been around for a while. Have you tried bringing your concerns to the State Department of Agriculture or the State Department of Health regarding the buffer zones and contamination of ocean water and freshwater? Or even the Kaua'i State Representatives like Kouchi and Kawakami?

Mr. Berg: The answer is yes. At the moment, as we speak, the Department of Health, through funds from EPA, is funding the Surfrider Foundation for measuring parameters such as nutrient levels and bacterial levels in all of the streams that enter into Hanalei Bay. The Department of Health has also contracted with Surfrider to help them monitor bacterial levels of water pollution on the beaches along the North Shore.

Mr. Kagawa: Only the north shore? Not Kekaha or Waimea?

Mr. Berg: That is what we are doing because the Department of Health's employee, Gary Uenten, is simultaneously doing the South and West shores. The island is so large that you cannot test it all in one morning. The contract was given to Surfrider to help the Department of Health do the weekly monitoring of the beaches. In addition, we are on a two (2) year contract to measure the pollutant loads in the streams and estuaries that enter into Hanalei Bay.

Mr. Kagawa: My second question is, have you worked with the Congressional Delegation, EPA, and also FDA, regarding some of your findings and concerns?

Mr. Berg: My personal research, not with Surfrider, has been funded by EPA, United States Fish and Wildlife, and the United States Geological Survey (USGS) looking at sediment loads and other pollutants located in

groundwater contamination. Some of the work is looking at personal care products. For example, caffeine, (inaudible) and things like that, that go through septic systems and pollute the water. There are myriads of studies that have been done here on the island.

Mr. Kagawa: I guess my thing is that it is fine that we deal with it here at the County level, but if we are not even trying to work with our Congressional Delegation to try and improve our services from the Federal government, which they are supposed to be doing anyway, and the State government, then I feel like we are not giving them a chance to try and do their jobs.

Mr. Berg: They are doing their job. I think the point was made earlier that the people feel that their closest contact, the person most directly responsible for their health and wellbeing is the County government. That is why I think it is appropriate at this time that we turn to the County. As you heard earlier, the USDA found that there were chemicals in our water. The County did sign an agreement over atrazine, whereby we took a ten thousand dollar ($10,000) settlement because there is atrazine in our waters. The County is already on this. They are our first line of defense, really. I think in fact, some of the things that we do not have ample testing shows that the other government agencies at the Federal level are not really stepping up. We are at risk.

Mr. Kagawa: Thank you.

Ms. Yukimura: I have a follow-up.

Chair Furfaro: Go ahead. We have a follow-up from Councilmember Yukimura.

Ms. Yukimura: Carl, you talked about Surfrider testing nutrient levels and bacteria levels on one side of the island, and then Gary Uenten from the Department of Health doing the South and West shore. You also mentioned pollutant loads in Hanalei Bay like sediment, caffeine, and skincare products. Is anybody testing chemicals?

Mr. Berg: The Department of Health went and did, as I mentioned earlier, did a testing all around the island for a wide variety of chemicals.

Ms. Yukimura: They did that recently and they should have the results, or are they still in process?

Mr. Berg: They are still being processed, yes.

Ms. Yukimura: I see.

Mr. Berg: In part because some of the chemicals are of public health concern so they want to know what the hazard response of those are also.

Ms. Yukimura: Are the chemicals like atrazine, for example?

Mr. Berg: Yes.

Ms. Yukimura: Okay. Great. Thank you.

Chair Furfaro: Carl, I am going to make a statement to you but it is for the benefit of everyone in the room, as well. I just want to make sure you understand. Because you gave testimony today, you will not be showing up on the list that is automatically transferred over for the Public Hearing. You will have to re-signup. I just want to make sure you understand that.

Mr. Berg: Thank you for making that clear that Surfrider, who I am representing and speaking for, will not show up for that because we have already given our testimony.

Chair Furfaro: What I am saying is that you are not automatically signed up. This is for the benefit of those that are signed up and have to leave, and did not give testimony. That would be the list that we start with. You are clear on that, Carl?

Mr. Berg: I am clear on that.

Chair Furfaro: Is everybody in the audience clear on that? If you are signed up, you will have a preference to speak on the 31st. If you did speak, you are going to have to re-signup. Carl, thank you for letting me exchange that question with you.

Mr. Berg: Thank you.

Chair Furfaro: Roll call, please.

Ms. Hughes: Ray Catania. Not present. Mark Willman. Not present. Jessica Rivera. Not present. Jennifer Ruggles.

Chair Furfaro: Are you Jennifer? Please come up.

JENNIFER RUGGLES: Thank you for this opportunity to testify and taking the time to listen to the community on this measure. My name is Jennifer Ruggles. I was born and raised on the island of Hawai'i. I am currently living on Kaua'i. I am here representing the Pesticide Action Network. We have one hundred thousand (100,000) supporters in North America. We were founded in Malaysia thirty (30) years ago by farmers, mothers, and professionals dedicated to building a healthy food and farming system, including many here on Kaua'i. According to the Center of Environmental Research and Children's Health (CERCH), who receives funding from the EPA and National Institute for Environmental Health Sciences, families who live near fields that use pesticides are most likely and almost always exposed to pesticides, even if they cannot see or smell them. The most renowned study that included pesticides can indeed be harmful to people, particularly to pregnant women and children. They advise pregnant women and small children to avoid contact with pesticides as much as possible due to developmental abnormalities. Since we have estimated these certain amount of tons of pesticides that are being sprayed here each year, experimental ones are possibly the worst kind. If we knew where and when they were being sprayed, we could take precautions to avoid them if these women are pregnant and when we have our children there. Syngenta, Dow, DuPont Pioneer, BASF, and Monsanto have a well known history of expanding their market share at the expense of

farmers and communities. Their reputation involves creating a gradual dependence on their product. Let us not be fooled that they are here for our benefit. Regardless, this Bill is about disclosure and the precautionary principle, as provided by the Hawai'i State Constitution. The fact that the Big 6 GE corporations employ six hundred (600) local employees in West Kaua'i is irrelevant to this Bill. Requiring disclosure will not cost any jobs. If anything, it will create a few more because someone has to do all of that reporting. The idea that this Bill will cost jobs does not make sense. While Federal and State entities should require similar laws and regulations, so should counties. You can imagine Federal Representatives on the mainland and State Representatives on O'ahu are difficult to get the attention to take action on an issue for the little island of Kaua'i. We turn to you, our local Councilmen and Councilwomen, to carry to torch on issues that are critically important to the health and safety of our island. While not only do you have the power to pass this Bill, you have the trust that you uphold the will of the people. All we are asking for is the right to know. Please ensure that this Bill moves forward to the next hearing. Thank you.

Chair Furfaro: Thank you very much. Next roll call, please.

Ms. Hughes: Desiree Hoover.

Chair Furfaro: Desiree said she will postpone. Thank you, Desiree.

Ms. Hughes: Marsha Kiest.

Chair Furfaro: Marsha, come right up.

MARSHA KIEST: Hello, I am Marsha Kiest. I am speaking tonight because I will not be able to come on the 31st. I am particularly worried about the long term effects of the restricted use pesticides on the environment and also on the community's health. I live in Waimea Valley. Pioneer is right on the edge of the river. This kind of worries me. It is right on the edge of the river. The wind blows across Pioneer, right towards the river to the homes that are right on the edge of the river on the other side in the valley. Unfortunately, this valley collects a lot of that air because it goes right across into the valley. I know several people that have gotten cancer that live right across the river there. I know some that have breathing and coughing problems. I just had an opportunity to speak to a few farm workers in the Laundromat. One man—I documented his name and phone number. One day when he was sweeping without wearing his eye protection, he said his eye stung so badly. It stung all night long all the way until 3:00 a.m. They were bright red. Another thing, he always washes his hands before he eats lunch but a couple of times, he did not. He said he got severe stomach pains right after eating his lunch from not washing his hands. I kind of worry about all of this and I think disclosure would help to those people that would maybe know when they would be doing the spraying. At least, they could leave the house. I sort of feel like I need to move if I am really concerned about my health. I worry about those people who are homeowners and lived there all of their lives. They are not really going to move. It is easier for me to move, but they are going to stay put and I just kind of worry about the community's health by all of this. Thank you.

Chair Furfaro: Thank you for your testimony. Let us continue the roll call, please.

Ms. Hughes: Brian O'Brien. Not present. Aurelius NcNaughton.

Chair Furfaro: He is present, but he will postpone until the 31st.

Ms. Hughes: Mahana Dunn.

Chair Furfaro: Mahana is present, but she will wait until the 31st.

Ms. Hughes: Bryce Boeder. Not present. Maria Gallo. Not present. Linda Pascatore. Not present. Noelani Josselin. Not present. Keith Horton. Not present. Les Wynne. Not present. Malia Chun. Not present. Larry Schuelder. Not present. Van Kawai Warren.

Chair Furfaro: Mr. Warren, please come up.

VAN KAWAI WARREN: *Aloha* County Council. I would like to thank you guys for staying up late with us. It has been a long day. I really appreciate your concern over the importance of this issue at hand. My name is Van Kawai Warren. I strongly support Bill No. 2491 relating to pesticides and genetically modified organisms and urge you to vote yes on this legislation. I am a County firefighter. I am very proud of my job. I protect lives, property, and our environment from all hazards. We need to know what is out there in order for us to do our job. I am very concerned about the large scale use of restricted pesticides on Kaua'i. The provision of Bill No. 2491 helps to protect the residents of Kaua'i from the real but hidden impacts of continuous pesticide spraying, including short term and long term effects. I think the important thing here is long term and chronic exposure. From Vietnam, they are looking at data forty-five (45) years and they have birth defects coming up. They are trying to get information from the Department of Defense but like what Anthony said earlier, sometimes it is hard to get that information to make that connection. I just had to add that in from listening to what he had to say. Also, the impacts on our land, water, and ocean resources. People of Kaua'i have the right to know what chemicals are in the pesticides that are being sprayed and where are when these pesticides are being used. We are talking about the chronic exposure to contaminated dust and airborne mists. I am a resident of Kekaha Hawaiian Homesteads, the new subdivision. The closest fields are less than fifty (50) yards from my house. In fact, there are about seventy-five (75) homes, two (2) Native Hawaiian Charter Schools, and one (1) church that are fifty (50) yards from these cornfields. At another one hundred fifty (150) yards, you can add about another one hundred fifty (150) homes, one (1) more church, and one (1) elementary school that serves about three hundred fifty (350) students. How far will these chemicals and dust particles travel? Fifty (50) yards? One hundred (100) yards? One thousand (1,000) yards? We all have to clean our house, but that dust every day or every other day? Twice this year, I have been awakened by tractors in the cornfields 5:30 a.m. Only after turning on my outside light did they stop operations. Some say this is when they spray the pesticides. In Kekaha, the wind blows from the mountain to the ocean at night and mostly through the morning. Are we getting poisoned while we sleep? On June 24, 2013, I witnessed a tractor plowing a five (5) acre cornfield. About three hundred (300) yards behind my house, the wind was blowing the dust straight towards the residential area. When the corn companies spray pesticides in their fields, it saturates the ground, as well. The sun dries the chemicals on the dirt and the wind

contaminates us throughout Kekaha. In Kekaha, the local wind patterns—between 11:00 a.m. to 2:00 p.m. daily, you can see many dust devils that spread debris and dust throughout our subdivision in Kekaha.

Chair Furfaro: That was your three (3) minutes. You need to summarize real quick.

Mr. Warren: Okay. Just as of yesterday, my mom was here. They were spraying in the back. She just stepped outside onto my porch and they stopped spraying. Why? Again, the wind at that time was blowing in the residential area. Thank you. I am concerned about the chronic exposure to the families. This is the Garden Island and not a test lab. All hazards need to be remediated at some point in time because the harsher the chemicals you use, the harder it is to get it out of the ground. Thank you very much.

Chair Furfaro: You are with our Fire Department?

Mr. Warren: Yes, Sir.

Chair Furfaro: What station?

Mr. Warren: I am at Waimea.

Chair Furfaro: I just want to thank you for the work that you are doing for us as a firefighter and public safety.

Mr. Warren: Thank you.

Chair Furfaro: Next roll call, please.

Ms. Hughes: Dustin Barca.

Chair Furfaro: Dustin, come right up.

DUSTIN BARCA: *Aloha* County Council. Long day for all of us. *Mahalo* for hanging in there with us. There is a big difference between a lot of these people who are testifying against this Bill and the ones who are for it. Us who are for this Bill are not paid to be here. We are here out of love for the future of our *'āina*; the future of our *keiki;* the future of everything we love. I am born and raised on this island and there is nothing more important than the future of this island to me. In school, we are raised with a motto in this State, "Ua mau ke ea o ka 'āina i ka pono." "The life of the land will be perpetuated in righteousness." That means to keep the land right for the next generation. If not, to make it better. There is a big corruption in our government right now with the biotech industry. We are supposed to trust the Hawai'i Farmer's Bureau. It is a pretty one-sided team for the biotech industry and directly linked to the biotech industry. We are supposed to trust the FDA. Michael Taylor, one of the head chairs in the FDA, is linked to Monsanto of the biotech industry. These people are suing farmers all over our Country for infringing on their patent. When they go to the Supreme Court, the Judge by the name of Clarence Thomas, is also linked to the biotech industry. These are some things that you guys can go and look on the internet and see how deep we are here. It brings to me to question every day of my life, who can we trust in our government? I just want you guys to know that those two thousand (2,000) people who marched for what is going on right now—the right to know, the future health of

our kids; we have your back when you make the right decision for us. One thousand five hundred (1,500) to one thousand (1,000) jobs are not worth the health of thirty thousand (30,000) other people. I feel like it is time to put human health over corporate wealth. *Mahalo nui.*

Chair Furfaro: Thank you. Next roll call, please.

Ms. Hughes: Rita Manderfield. Not present. Louisa Wooton. Not present. Sherri Cummings. Not present. Joanna Wheeler. Not present. Craig Metteauer. Not present. Harvest Edmonds.

Chair Furfaro: Harvest said she was going to defer to the 31st. Thank you, Harvest.

Ms. Hughes: Nanea Marston. Not present. Laura Rolfe. Not present. Jennifer Barros. Not present. Jill Kimie Sadoyama. Not present. Angela Flynn. Not present. Nicole Townend. Not present. Jay Dorrance. Not present. Harnet Batwa. Not present. Johnathan Rivera. Not present. Kirby Kester.

Chair Furfaro: Kirby is here. Please come up.

KIRBY KESTER: Kirby Kester. I am a Vice President of the Hawai'i Crop Improvement Association and also work for BASF Plant Sciences as an Applied Genetics Manager. I deal with a lot of the trade development crops and regulated crops themselves. I serve as a Compliance Manager in that realm, as well. I have been in the seed industry here for eighteen (18) years, so I am pretty familiar with everything going on with that and these issues. I will say that HCIA and its member companies, including BASF, do oppose this Bill. I know there are a lot of misconceptions about our regulatory process, and I can say having worked hand in hand with introducing a couple of these crops to the State, the item of needing environmental impact studies and stuff like that. The HDOA, Hawai'i Department of Ag, and the FDA both do look into that before they even approve a new crop for this island. They look into things, like, "What is the history of the field? What is the farming history of the field? Is there a cross compatible plant species with it? Is there endangered species that it could possibly interfere with? Is there an area of the field that is prone to flooding? You could lose containment of that crop." They look at what might prey on that crop as well. If they do not like what they see, they do not allow the crop. They have practiced that or they might apply some other conditions on us to ensure the containment of that crop, which I have a lot of hands-on experience with out at our farm. Another thing is just general lack of scientific consensus for all the claims made today. I know everything we are doing is really difficult to understand. It is hard to know what is true in today's age of high-speed media. It really is. My industry has probably been relying on the science to speak for itself for too long. We are scientists. We see good science and think everybody should understand it, but it is not that easy. In fact, in the words of Mark Lynus—he is one of the founding kind of anti-GMO activist father who has recently switched sides. He said earlier this year, "The controversy over GMOs represents one of the greatest science communication failures of the past half century. Millions and possibly billions of people have come to believe what is essentially "conspiracy theory," generating fear and misunderstanding about a whole class of technologies on an unprecedently global scale." I will end with that.

Chair Furfaro: On that quote, I will share with you that your three (3) minutes has expired.

Mr. Kester: Thank you.

Chair Furfaro: Are there any questions? Go ahead, JoAnn. You too, Mr. Hooser? Okay.

Ms. Yukimura: Hi, Kirby. Thank you for being here. I agree with you that it is hard to know what is true. When you gave your testimony, were you talking about pesticides, as well as whether GMOs are safe?

Mr. Kester: Yes, there are a lot of conspiracy theories about government and linkages through EPA and USDA; that is why in my written testimony I gave you a link to some independent peer-reviewed studies. It is one hundred twenty-five (125) peer-reviewed studies done by other scientists and college professors with no ties to the seed industry. It is from the website called "Biofortified." I encourage you to check those out. Hopefully that is something that people with wrap their mind around and believe.

Ms. Yukimura: Do these studies deal with long-term chronic effects on the natural environment?

Mr. Kester: Some of them do. Some of them go right into a lot of the alleged concerns about Bacillus thuringiensis (BT) and pesticides, and things like that. There are quite a few topics addressed in those studies. It is not all about one (1) thing.

Ms. Yukimura: I have been thinking a lot about the EIS that is included in this Bill, and I have just seen such bastardization of EIS. I am trying to think how you have an EIS process of integrity. Are there criteria that people could agree on without doing the study first, but both sides could agree like on the Hanalei Bridge, for example. There was this ten (10) year fight whether to keep the Hanalei Bridge or not. They were mediated and they came to an agreement that if they could find an expert that they could agree on, who could say that bridge could be repaired, then they would go for repair rather than this whole other plan that the Department of Transportation had. Are there criteria that both sides could agree upon, i.e., certain levels of atrazine in the ocean, then that would be a negative health impact that—are there criteria like that that you folks could suggest?

Mr. Kester: I think so. In the realm of the environmental impact, I think nobody here really knows that they are even done or what they contain. I think just awareness alone or come into my farm and seeing the conditions that we have to do to make sure that our regulated crops is contained. There is nowhere for anybody here to know about that. I know about it because I have dealt with it personally, but it is not something that you can just go read about. It is in my individual permits. Ned said earlier about organic certification, a lot of the communications between you and the inspector—that is the way our industry is, as well, between us and the inspector and we are meeting their requirements. It is not put out for public—they are doing their job.

Ms. Yukimura: I know. I took note of that fact it was confident. They were doing it in a confidential level, but Louisa Wooten is the

Organic Inspector and everybody trusts her. There is this issue of trust. I think I have taken enough time now, but I just wanted to stimulate the thinking along these lines to see if the industry and the environmentalists could agree on criteria before it is measured and before we know what the results are. Once we get the results, everybody has agreed.

Mr. Kester: Right.

Ms. Yukimura: That we would go one way or other.

Mr. Kester: I think that we would entertain that dialogue. To me, that would be much more preferred than this.

Ms. Yukimura: Okay. Well, this is bringing up some good solutions, possibly. Thank you.

Chair Furfaro: Mr. Hooser.

Mr. Hooser: Thank you for being here. We talked about studies, internet conspiracies, and whatnot. Earlier speakers spoke about the connections between the industry and government in high places. That is true, is not it?

Mr. Kester: I do not know. I am not in Washington.

Mr. Hooser: Okay, I have done my research. There are many, many—not just in industry, but many where people transition from industry to bureaucracy oversight of that industry. It is certainly true of the biotech industry at many, many levels, all the way to the Supreme Court. It is not a conspiracy theory. I think it is true. You talked about studies—I was wondering if you are familiar with the Academy of Pediatric Study on children and pesticides that was recently done. It was submitted to this Council. Five (5) local pedestrians signed in support. It talks very specifically about risk to children from pesticides and specifically about agricultural risks also. Are you familiar with the American Cancer Institute's recent study about high cancer rates among agricultural workers and people who live near farms from pesticides?

Mr. Kester: I am not familiar with the study, but I know that everything—because our companies also do manufacture pesticides. I do not know that business that well, but I know everything they do to get that license and label them through the EPA. It has to undergo hundreds of tests to prove it is safe before it is even allowed to be sold. I hear a lot about forty (40) to fifty (50) years ago but the standards today are much higher than they were around the war era. They have learned a lot since then. The science and chemistry has gotten much more robust. They are making chemicals that are much more environmental friendly, but how do you know that? How do you learn about that?

Mr. Hooser: That is why we are asking for the right to know.

Mr. Kester: It comes to the experts. The chemical engineers are the guys who really know this stuff. I have been working in the biotech industry for almost twenty (20) years on Kaua'i. You will see from a lot of

our guys who testified today. It is difficult to speak of. It is not a simple industry. It is very complex.

Mr. Hooser: I agree with you, and that is why we are seeking the information.

Mr. Kester: Sure.

Mr. Hooser: I understand that the Department of Ag does regular pesticide inspections of all the companies. I asked for a copy of the log of those inspections and it took me several months to get the copy of the log, which is supposed to be public information. Out of the two hundred four (204) inspections, eighty-two (82) of them are redacted. They will not tell me what happened. There are violations or some investigations, or enforcement. That is also troubling. There is a lot of talk about jobs and economic development impacts on the island, and you are Vice President of the Hawai'i Crop Improvement Association. You folks sponsor the economic report and study the impacts. Is that correct?

Mr. Kester: Yes. The (inaudible) Report.

Mr. Hooser: Yes. I have seen the executive summary of that report and I have seen the press releases of that report. It talked about the jobs and the economic benefits. I asked for a copy of that report. I was told that I could not have it. I could have the headlines, but I could not have the report.

Mr. Kester: I do not think I even have a copy of that report yet, Gary. I have just the executive summary.

Mr. Hooser: It has been out for a long time.

Mr. Kester: Yes.

Mr. Hooser: For me to judge the quality of a report, I need more than just the headlines. I asked the organization if I could have the report. I asked, "What was your research to determine how many jobs, how much they get paid..." They told me I cannot have it. Would you be able to...

Mr. Kester: We can follow-up on that. He is an independent guy that we hired to do that report. I think this is the third time he has done it.

Mr. Hooser: I hope you understand that I asked for the pesticides and cannot get it. I asked for the inspections and I cannot get it. I asked for the report and I cannot get it. It is very frustrating as a Councilmember trying to do my research to protect the community's health and work with my colleagues, but I am told, "No, no, and no." Trust me, it is very challenging. That is the nexus for this Bill. Thank you.

Mr. Kester: I would say with the pesticides, we did give you a venue to get the information. You were able to obtain the information on the restricted use pesticides usage? Is that correct?

Mr. Hooser: It took me ninety (90) days and cost the County several hundreds of dollars. I still have not gotten the experimental use and I have no idea what the general use...

Mr. Kester: Welcome to our world of getting permits and regulation to do...

Chair Furfaro: I am going to cut this dialogue right now. This is our world. You heard Mr. Hooser's question. I want to make sure the Staff gives you the E-mail. If you can provide us with that information, please use that address. Mr. Hooser, if you are finished, I am going to recognize Mr. Bynum.

Mr. Hooser: Yes, thank you.

Mr. Bynum: Did you testify on bills this year at the State Legislature?

Mr. Kester: I did testify on the Labeling Bill.

Mr. Bynum: Did you testify on Senate Bill 590?

Mr. Kester: Was that the Labeling Bill?

Mr. Bynum: The so-called "Right to Farm Bill?"

Mr. Kester: No, I did not.

Mr. Bynum: Are you familiar with that Bill?

Mr. Kester: No, I am not totally...

Mr. Bynum: I just wanted to know because I liked your testimony. I appreciate it. It was straight talk. This is the first time I heard that today. Thank you.

Mr. Kester: Thank you, and I do apologize if I offended you.

Mr. Bynum: No, you did not.

Mr. Hooser: No, not at all.

Mr. Kester: Thank you for staying late and listening.

Chair Furfaro: Any more questions here? My Staff will provide you the E-mail address so if you could respond to the questions, we would really appreciate it. Thank you very much.

Mr. Kester: Okay. Thanks.

Chair Furfaro: Let us continue the roll call and people that wish to speak.

Ms. Hughes: Josephine Bonaparte. Not present. John Smith, Jr. Not present. Scott Mijaros. Not present. Leslie Larsen. Not present. Dudley "Bobo" Ham Young.

Chair Furfaro: He went back to Hanalei.

Ms. Hughes: Sherri Benjamin. Not present. Steve Benjamin. Not present. Daniel Wright. Not present. Aurora Fendentz. Not present. Bronson Howard. Not present. Sheila Calcagno. Not present. Diana Howard. Not present. Celeste Harvel. Not present. Maria Clark. Not present. Dr. Elizabeth Hoover. Not present. Michaela Boudreaux.

Chair Furfaro: Michaela said she is here but will wait for the July 31st Public Hearing.

Ms. Hughes: Erin Blakley. Not present. Charlotte Casey. Not present. Maile Wilson. Not present. Keali'i Wilson. Not present. Naleem Namid. Not present. Catherine Liddle. Not present. Bonnie Rasmussen. Not present. Desiree Duclayan-Parsonson. Not present. Meredith Murphy. Not present. Lisette Langlois. Not present. Wolfgang Langlois. Not present. Brittany Roussel. Not present. Christopher Whiteroot. Not present. Jennifer Schartz. Not present. Janet Eisenbach. Not present. Talita Medeiros. Not present. Jolie Martin.

Chair Furfaro: Ms. Martin is here but would like to postpone until the 31st.

Ms. Hughes: Jo King. Not present. Dottie Rogka.

Chair Furfaro: She is present. Please come up.

DOTTIE ROGKA: *Aloha* members of the Council and my fellow citizens of Kaua'i. *Mahalo* for your stewardship. My name is Dottie Rogka. I am a taxpayer and a voter. I am concerned about toxic air, water, and soil. Many of us have a vision that includes the increase of organic farming on this island to reduce the import of food from off island. Toxic land contaminated with pesticide chemicals cannot be used for organic farming. I fear the unintended consequences of GMO farming. As citizens, we need to consider the long-term toxicity of the island's resources. This is why I support Bill No. 2491. In closing, I urge consumers to boycott food that does not have the non-GMO verified label. *Mahalo* for your consideration.

Chair Furfaro: Thank you for your testimony. Let us continue with the roll call.

Ms. Hughes: Preeta Carlson. Not present. Naziva De Mavelei. Not present. Gloria Kennedy. Not present. Lyle Robinson. Not present. Danny Hashimoto. Not present. Sara Wall. Not present. Doug Gates. Not present. Meridee Winters. Not present. Sadaya Jaret. Not present. Holly Edwards. Not present. Ron MacDonald. Not present. Karen LaMore. Not present. Kana Kirkpatrick. Not present. Ron Kasey. Not present. Mary Elizabeth Stone. Not present. Carmen Dueney. Not present. Punohu Kekaualua III. Not present. Donaery Guerrero. Not present. Beau Barthel-Blair. Not present. Ya Kaduce. Not present. Paulette Burtner. Not present. Danitza Galvan. Not present. Linda

Harmon. Not present. Karlos DeTreaox. Not present. Tim Nester. Not present. Jonathan Jay. Not present. Chris Foster. Not present. Megan Kirkpatrick. Not present. Dune Newhouse. Not present. David Brune. Not present.

Chair Furfaro: Can you hold on just for a second there? We have about this much more to read. Is there anyone in the audience that has signed up who wants to testify? Two (2) of you. Would you come up in the order—I am going to state that again. Is there anyone that has signed up that wants to testify? Ladies, why do you not come up one at a time? Please note that there was no additional recognition by the balance of those individuals, except those two (2) that are coming up.

Chair Furfaro noted that after these next two (2) speakers, the following members of the public who signed up for public testimony were not called upon by name to come up:

1. Todd Anderson
2. Jimmy Castillejos
3. Damon Liddle
4. E Meredith
5. Leilani Laranio
6. Matthew Olsen
7. Jillian T. Seals
8. Lorelei Dann
9. Warwick Gray
10. Kristy Kinimaka
11. Griffin Shepard for Aloha Organics
12. Thomas R. Anderson
13. Michelle Schmidt
14. James R.C. Allmand
15. Joby Joyner
16. Pua La'a
17. Kathy Cowan
18. Kylan Dela Cruz
19. Fred Dente
20. Lauren Shaw
21. Phoebe Eng

WENDY RAEBECK: Wendy Raebeck. I have spent a lot of time on the mainland for the last few years. This issue is not just here; however, as everyone knows, we on Kaua'i are in an incredibly important position. I think that what is happening here is not just about us. It is about the whole world. We happen to be in a place where in some ways, we are privileged because we can interface so directly with people who are so involved in something that is so gigantic. On the other hand, it is obviously a huge concern to us because we are so entangled with it. I think what we are doing is historic. I think it is critical. I have just a few things that affect me in a really big way. Part of it is when you look at Kaua'i and you see how little land we actually have for our own use, visibly the mountains and the surrounding lands; when you see how much of it is being usurped by these company, it is truly shocking. It is not a short-term thing, as some of the people have indicated, but this is something that we are going to be dealing with for a really long time. I think it is way overdue for us to address it and this is so big. Somebody was mentioning how you cannot change over to organic after this. It is going to take decades. There are so many things that we do not

know yet about what is happening here. We have to really dig in. I so commend Gary Hooser and all of you for researching this the way you are and having the guts to confront this because these are not individuals; these are mega, mega forces on this planet that have a tremendous, huge agenda, which also brings me to the issue of the Feds and the State. "Maybe it is not a County issue..." Yes it is because these corporations—part of their staff are paid lobbyists. They are paid lobbyists. It is a huge part of where their assets go is Federal. They are in the White House. They are in the Supreme Court. They are on the State level. These people...all day long...what they do is go to elected officials and they literally bribe them. It is legal, but it is money in those people's pockets for their own agenda. I am not blaming the individuals who live on Kaua'i. I am really sure they are really nice people, but they are part of a huge, huge, multi-national corporation that has ridiculous agendas. Just regarding employment—I know it comes up all the time. Can I just finish this one (1) point?

Chair Furfaro: Please make it quick.

Ms. Raebeck: Yes, there are few hundred people employed here by the GMO companies but we really risk losing our tourism. There are an awful lot of more people, like myself, who work in the tourism business and are affected by it. We cannot afford to lose tourism. I think if it is one or the other, I would definitely take the tourist business. Thank you again.

Chair Furfaro: Thank you. Come right up. Thank you for being with us tonight. You have your three (3) minutes. Please introduce yourself.

KRISTEN MA: My name is Kristen Ma. I lived in 'Ele'ele for eight (8) years. My husband and I are registered voters here. My son was born here almost four (4) years ago. I work for DuPont Pioneer, but I am speaking for myself. I am not getting a penny more for sitting here than I would be for sitting at home. My background is in Traditional Plant Breeding. I hold a Bachelors and a Masters Degree in the subject. Not having grown up in the Midwest, I was surprised to learn during my graduate study that DuPont Pioneer, since 1926, has always done and continue to do traditional plant breeding. It does not get a lot of press, but that is the foundation and the company's crop development efforts. On Kaua'i, there are tens of thousands of hand pollinations by DuPont Pioneer employees each year as part of the traditional plant breeding process. Genetically Engineering Technology was added because of demand from customers—the farmers. In both kinds, genetically engineered and non-genetically engineered varieties are offered by DuPont Pioneer. Farmers have a choice of which kind to grow. DuPont Pioneer customers include organic farmers and I personally hope that everyone who feels called to be farmer, whether hydroponic, livestock, aquaponic, organic, and conventional can continue to farm because we need all of the farmers and the farmland to thrive for our future. We need crops that can serve fertilizer that use less land. We need crops that carry internal resistance to insects that would eat them. We need crops that are more nutritious and can grow in times of drought. All of these are projects that DuPont Pioneer has done and is continuing to work on. The company has been growing on Kaua'i since 1968. That is forty-five (45) years. I do not think they are planning on going away any time soon. They have basis point taking care of the land and the irrigation system that provides waters to the west side that was built by prior generations. Gary Hooser says this Bill is about disclosure and that it should not cost any people their jobs, but supporters of the Bill want to shut the seed industry down. I see in the Bill a moratorium that would start January 1, 2014, banning the outdoor planting of

regulated plants, which is important part of what we need to do at the research stations. These are regulated, not unregulated. The USDA has approved them for outdoor planting, in anticipation of approval for food use. That is an extremely high standard for safety. While studies are being done and data gathered to support that approval, it is crucial that we can see how the plants grow outdoors. The HDOA and the USDA come to visit to make sure that we are following the process to make sure that we are containing them and keeping them out of the food and feed stream.

Chair Furfaro: You have just reached your three (3) minutes.

Ms. Ma: Thank you.

Chair Furfaro: Can you please summarize?

Ms. Ma: Sure. In summary, if the moratorium passes, I do not see how operations would continue for any of the seed companies here on the west side. Thank you.

Chair Furfaro: Thank you for your testimony. On that note, I would like to ask if you did not state that you, in fact, would defer your testimony because you signed up until July 31st—if you did not have an opportunity to do that and you signed up please give Scott your name so that from the standpoint of OIP, I can have some documentation for the County Council. On that note, I would like to call the meeting back to order for a few minutes just to make a statement. It is 9:25 p.m. This Council has much more to do in the way of business. At this point, I need to say to the members that not only am I required to go through the roll call of those that signed up, but I would believe that we have enough votes to move this to a July 31st Public Hearing. Is there anyone in the crowd that did not sign up, that absolutely wants to testify tonight? Thank you. Seeing no one, the fact of the matter is members, I am looking for a conclusion of this Bill today with a motion and a setting of a Public hearing for 1:30 p.m. on July 31st. I cannot make that motion.

Ms. Yukimura: There is a motion.

Chair Furfaro: Oh, there is a motion? Okay, forgive me. That motion was at 10:30 a.m. Is there any more testimony from members. I will go around table once before I call for a roll call. Mr. Kagawa, I will recognize you first.

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Kagawa: Thank you, Mr. Chair. This is probably going to be the hottest topic in a decade or more. I am privileged in my first term to get this hot topic. I am going to earn every penny that I make as Mr. Barkoff stated that we are paid here and I am going to earn it because I am going to handle one of the toughest issues in the history of Kaua'i County. It is going to be a tough one but I am confident that with this body, that we will come to a fair solution in the end. I just want to thank the public. I want to encourage—I see a lot of emotions coming out for and against, but just remember that at the end of the day, we all have to live together and Kaua'i is *nō ka 'oi.* We all care. Please remember to respect each other and at the end of the day, our island will survive either way. We will move

on. With that, I will be supporting this Bill. I want to thank you, Chair, for being very patient with us.

Chair Furfaro: We need to have our dialogue. Mr. Rapozo, you have the floor.

Mr. Rapozo: Thank you, Mr. Chair. Thank you all for being here tonight and spending your day with us. I agree with Mr. Kagawa. This is going on my fifth term, so it is like the ninth or tenth year, and I have seen quite a bit go on this island but I think this will be one the most controversial issues. I must say, I have been very pleased with the civility of both sides of the issue here today. I cannot say the same of the E-mails that I have received. I will tell you, I have never received so many E-mails in a three (3) day period. I am sure my colleagues will agree that I think we are close to a thousand already, just in last couple of days. Most of them are very professional and some of them are very hurtful. I would just like to make the comment that, that does not get my attention when those E-mails are sent. It actually upsets me when they send rotten E-mails. They go straight to the delete box. There are plenty more to read, so I do not have to waste my time on that. There is no need for that over the next...what I believe will take several months. This is not going to happen overnight. I think there is a lot of fact finding that we all have to do. As you can tell, if you were here today, I never asked one (1) question all day long. I took the opportunity to listen to what was being said. We will have a public hearing opportunity, as well as committee discussions. I have met with both sides in the last couple of days to get a pretty good foundation of what to expect. I will assure all of you I am going into this with an open mind and look forward to a very healthy and factual debate. I think it needs to be done. There is no benefit if we continue to punt this political football all over the place. I expect for the next couple of months, some very good healthy, professional, and civil debate. At the end of the day, I would also agree I think we will get to an area where everyone can live with. I am confident with that, but we need your help. Everybody needs to agree to work together. With that, I will be supporting the Bill today and looking forward to a very long—what was that? July 31st?

Chair Furfaro: Yes. July 31st.

Mr. Rapozo: Thank you.

Chair Furfaro: Thank you. Other members before I call for the vote? Mr. Bynum.

Mr. Bynum: I want to thank everybody who came here today. I am very appreciative that people with such a passionate issue are being respectful with one another. This is a passionate issue. This is very serious. We are talking about people's lives, people's livelihoods, and there are very sincere and passionate people on both sides of this issue. Speaking for myself, I have been being educated about GMOs certainly since I have been a Councilmember for eight (8) years because we have these companies here. I met Jerri from GMO Free Kaua'i ten (10) years ago. I really respect her; her calm demeanor, her assertiveness, and her tenacity. I have not always agreed with her. In the early days, I would never make anybody happy because what I would say is that I am really uncomfortable with the whole concept of a corporation patenting DNA—any DNA, but specifically with a plant, person, or animal. I think that is a big mistake. That never made anybody happy. On the other hand, what I have been saying for years is that this

should be handled at State and Federal level. No question, but they have not. They have not. In Europe they have. The governments there have gotten it but we all know the history of this industry. The fix was in early on with my buddy, Clinton, who said, "Yes, we are going to treat these GMOs like they are the regular corn. The GMO corn is the same as regular corn." We all know that is silly, right? The industry says, "We put these in genes together and it is just like traditional crop breeding." No, it is not. Nature tells us this. We know that people cannot mate with cows. It does not work. There are very few instances where nature allows that—a mule and horse...have I got that right? But they cannot reproduce. With GMOs, you are taking a gene from an organism that is totally unrelated and never in nature would be combined into a DNA. I am not going to go much further with this, but to say it is the same? To say each GMO is going to have health problems tomorrow? The claims on both sides of this issue are sometimes outlandish but I will tell you what I do know and why I changed my mind. I said the people on here on Kaua'i that work in the industry—I respect. They are great people. They are people in our community that I respect, but their corporate bosses are the most aggressive kind of corporations in the world. Right? I will not go into all of this stuff we know that has happened all over the world. Let us just talk about what happened in Hawai'i. Mina Morita and Dee Morikawa put forward a Bill for just disclosure. "Tell us what pesticides you are using." It goes nowhere in the State Legislature. This year, it went to the end and got decimated. I was looking into disclosure issues for the County prior to the last election. I was looking at some of these things like buffer zones. Why did I do this? Because the State has failed us. The State came here—who has stepped up over the years and who I am really proud of is the County of Kaua'i. I will give some examples. I know I need to be quicker. It is late. I am tired. I am rambling. I have three (3) minutes left according to my clock. This issue got really big play here at the County Council when Mr. Rapozo brought a "*kalo* ban resolution." People were going to the State, passionately saying, "This is our *keiki*. This is cultural and a spiritually significant plant. Please do not mess with our *kalo*." They could not get anywhere. They had to go next year and say, "Please just give us a hearing and let us talk." Finally it got a hearing. Long story, lots of passion for two (2) or three (3) years and the State Legislature said, "Okay, we will let you ban one (1) to two (2) to three (3) of these strains of Hawaiian *kalo*. Not Samoan *kalo*. Not this *kalo*. Just these three (3). In return, we want a provision in this Bill that says, "No County can ever regulate anything related to any agricultural operation forever, for the end of time." The people who wanted that *kalo* ban—it was a poisoned pill. They had to say "vote against it" then it went away. Mr. Rapozo is somebody I really respect. I do not always agree with him, but I really respect him. When we had kids at Waimea Canyon School who got sick, went to the hospital, and we did not know why. Mel was there going to the State saying, "Is this not your responsibility? Are you not supposed to regulate pesticides? We have a whole community upset because they saw spraying happening upwind of the school and the kids got sick on the same day." The State said, "No, we do not have the money. We cannot study that. We cannot do that." Mel pressed them. They came here—and if I get this wrong, I know Mel will correct me, but this is my memory. The State came here. I was on the Council at that time. They said, "We have no money to test this, but we will. We will test whether there are pesticides in the air at Waimea, but only County, if you will test stinkweed because we do not think pesticides were the problem. We think this weed that has been growing in Hawai'i forever suddenly caused this hysteria at the school and does not have anything to do with the spraying." Who knows? That was the fear; that kids were exposed. The State Department of Health said, "Okay, we will do it only if you give us fifty thousand dollars ($50,000), County of Kaua'i." I sat here for several days or several meetings with a University

Professor and State Department of Health people saying, "In working out this deal..." The County of Kaua'i gave them fifty thousand dollars ($50,000). They agreed to study pesticides in the ambient air and acute exposure. I may have these terms wrong, but exposure that happened from drift and that they would create a research methodology to determine if you are spraying chemicals up wind, forty (40) yards down, what kind of drift do you collect. They agreed to do that. Based on that agreement; that commitment; that contract, we gave fifty thousand dollars ($50,000) of your taxpayer dollars to study that with contracts and a deal. Four (4) years went by and we did not hear one (1) word. Some of us starting asking, "Whatever happened to that money?" Suddenly a few months ago, they came up here and said, "Here are the results of your test." They said, "Yes, there are chemicals and pesticides in the air in Waimea that is not in Hanalei." DDT is in the air everywhere on the planet and it is really high of Kaua'i because of our agricultural history. When kids used to run through the DDT spray trucks because they liked the smell—you have seen those pictures, right? Of kids running through this thing?

Chair Furfaro: You have one (1) minute, Mr. Bynum.

Mr. Bynum: I have already gone too long. This County has a long history with Mr. Furfaro and Coqui frogs with Mel saying be held accountable to the safety of this family. This County Council steps up when the State fails us. In this State—we read it today. Our State law says, "County, you can do something stronger if it is protecting the people." We have a right to do this. We have a responsibility to do this. I feel very, very passionate about it. I appreciate Wayne, who was here from Kaua'i Coffee, who said, "Let us sit down and work it out." I have not heard that kind of forthcoming stuff. We heard from the industry today, "We cannot tell you this. We cannot tell you that. We do not know about this permit." That does not cut it. I hope we do this Bill. I took eight (8) minutes. I broke the rules. I apologize.

Chair Furfaro: Do you want to speak now, Mr. Hooser?

Mr. Hooser: Yes. Chair, thank you. I have spoken a lot tonight. I appreciate you number one (1), scheduling this promptly and recognizing the importance of the issue to the community. I want to thank Councilmember Bynum for his incredibly hard work on this and his passion. To the entire Council, we sat through a long meeting, and there will be many more long ones. I have been at the State Legislature for eight (8) years and worked on a lot of important issues. I think at the end of the day, this will be the most important one that I have worked on and maybe will work. This has tangible impacts to people's lives and to our environment. It is not about stop signs and bus stops. Those are all important to somebody, but this is about the health and wellbeing of our community. I really am proud of our Council for stepping up and acknowledging that the issue is important. Today's hearing, I think, was very informative. From what I heard, the buffer zones are a concern. I also heard that the people believe that we are entitled to the right to know what and the right to know what is happening on our island and the impacts. It is clear from my analysis—and when I first started down this path, I have been familiar with the issue for years and worked on it at the State Legislature. I will tell you that it will never happen at the State Legislature. I have been there and tried it. The industry—good guys that they might be here have a lock on legislature. The institutions are in love with the science. The legislators on O'ahu do not live in communities that we live in. They do not live in a community that is being drenched by eighteen (18) tons plus restricted use

pesticides day after day, year after year—twenty-two (22) different pesticides. When I first got into it, I was challenged by the industry. "You need to do your research." I have done my research. I was told we are using the same chemicals that everybody else uses. That is not true—not on our island is that true. The Department of Ag gave me the list. Of the last three (3) years, only two (2) real farmers that grow food to eat or export food have purchased these things in last three (3) years. They are small amounts. Once in a while they might use them. They do not use tons of them and do not use twenty-two (22) of them, and they do not combine that with fifteen thousand (15,000) acres of genetically modified crops. There are a lot of talk about studies and research. Again, nobody has done the research on these pesticides; restricted use, experimental use, and general use of all of these GMOs in our community. Nobody has done that. I believe we owe that to our community. I believe this Ordinance is a path to get there. The moratorium is a moratorium. It says you cannot grow your industry during this two (2) year period; during the time it takes to do an EIS. It does not say you cannot grow things. You already have fifteen thousand (15,000) acres. You can keep doing what you are doing on those fifteen thousand (15,000) acres. You cannot grow experimental GMOs unless you put them inside. "Experimental" by definition in here are genetically modified organism—these are living cells, beings, and plants that can grow. They can replicate. You cannot do that. They are not approved for release into the environment. The Federal government might say you can grow them, but they are not approved to be released into the air. They are not approved to eat. It is the same for experimental use pesticides. They are not approved for release. In my opinion, these types of experiments should be done in a contained greenhouse structure. Fundamentally, it is about the people's right to know what the impacts are and what is being done. I really appreciate my colleagues and appreciate your support and vote in affirmative on this. I am hopeful that at the end of the day, however many days from now, ninety (90) days from now or whatever, that it will be a unanimous vote in support of a measure that protects our community, environment, and the health of our people. Thank you.

Chair Furfaro: I have yet to hear from Vice Chair and Councilmember Yukimura. Go right ahead.

Ms. Yukimura: Thank you, Chair. First of all, I want to thank you all of you who are still here tonight for your perseverance and your passion in all of the ways that you have helped to facilitate this process. I want to thank everyone who showed up today. I also wanted to thank those of you who choose not to testify, but will testify on the 31st. We actually still have work to do after this issue is finished tonight. I appreciate your consideration. I guess I want to talk about one (1) procedural issue. I think the Chair emphasized on June 5th, when I was not at the meeting, but this importance of having big bills that we are considering to be vetted by the County Attorney's Office. I hope that that will be in the works, asking for a written opinion and case law. Then I also want to really thank Councilmember Hooser and Council member Bynum for initiating this Bill. It is extensively researched. It is very creative in design and approach. It is a very substantive Bill that is raising important issues. It is a complex issue, and so we really do need to do our due diligence. We need to understand the proposal and the consequences of the proposed actions. We need to look at possibly unintended consequences and we need to hear from all of those who have not yet testified. I look forward to learning a lot to hearing all points of view, and to working with all of you for a Bill that will be historic and will address the issues that are so important to our community. Thank you.

Chair Furfaro: Thank you, Councilwoman.

Chair Furfaro: I am going to speak. I guess everybody has had a chance. To the members, I want to follow-up, JoAnn, that I did communicate information and questions. I indicated that to Mr. Hooser to the County Attorney for some commentary. Again, I want to remind you that will be distributed to you when I receive it so we can all have some understanding before we get to the Public Hearing, which I am sure will happen with the unanimous vote tonight. I also want to say to all in the audience that I am very proud of the Council that we have here. I am four (4) and a half years as the Council Chairman, but this is a great group of individuals that we have here. They show good, sensible stewardship about our island home. I think they all need to be recognized for that. I also want to say that for us as Councilmembers, we come from various backgrounds. The value of *a'o,* which is to learn and understand is very important as we grow in our roles here. At the same time, we do have a *kuleana* to make decisions that consider—no matter how long it takes, that considers an analysis; a mixture of issues, experience, and our own judgment, as well as the legal interpretations of what we have as a political subdivision, even though they are the lowest political subdivision within our government. We have tackled some things that I just need to point out. Although Smart Meters were not an issue for the County Council decision, it is a public utility matter. We put that on the agenda to have discussion with the community. We have other issues like the Transient Vacation Rentals that we are working on. This one rises to the need of at least of the attention and the communication from the Council to understand it. I want to personally thank Mr. Hooser and Mr. Bynum for their work up to this point and getting it on the agenda. The motion will make it an item that goes to public hearing in the Committee of Economic Development Sustainability / Agriculture / Food / Energy) & Intergovernmental Relations—Mr. Hooser's Committee. He will be overall managing that particular piece. Today, also I want to say I was very grateful because there was an inspired rationale about *kūkākūkā,* to talk with some of the seed companies. I want to thank them for coming forward and saying that they are really going to provide us additional information and through the process of the Public Hearing and the Committee, that they are willing to be active participants in the discussion. I want to say thank you to them. It is important that this Council is able to say to the community that we are here to hear about the issues in our community and wherever we direct that, for the right reason, for the right people, it is important that you know that can be dialogue at the Council level. Again, I want to thank you, Mr. Hooser and Mr. Bynum. I believe the motion is for a Public Hearing set for July 31st. To Mr. Hooser and Mr. Bynum, I will continue to look for a different venue because of community turnout and interest in this item. It will be at 1:30 p.m. and I am asking the Staff to make note that we do want to end our business that day so that we can only focus on this Public Hearing. On that note, we have other business to do. We are going to take the vote and I am going to ask if you could leave quietly because we are not going to take a break. We are going to go right into the rest of the agenda we have. May I have a roll call vote on Bill No. 2491 to go to Public Hearing?

The motion for passage of Proposed Draft Bill No. 2491 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for July 31, 2013, and that it thereafter be referred to Economic Development (Sustainability / Agriculture / Food / Energy) & Intergovernmental Relations Committee was then put, and carried by the following vote:

FOR PASSAGE:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: Thank you. That is for 1:30 p.m. on July 31st. Let us take a five (5) minute break here.

There being no objections, the meeting was recessed at 9:51 p.m.

The meeting reconvened at 9:57 p.m., and proceeded as follows:

Chair Furfaro: Let us continue with our business. Jade, I will turn it over to you to find our place and mark it going forward.

COMMUNICATIONS:

C 2013-225 Communication (06/05/2013) from the County Attorney, requesting Council approval to expend funds up to $29,944 for Special Counsel's continued services to advise and represent the County Council in matters relating to the investigations of personnel matters involving the County Auditor's Office, and related matters: Mr. Kagawa moved to approve C 2013-225, seconded by Ms. Yukimura.

Chair Furfaro: Let the record show that the auditorium is vacant. There are no members of the public here. Is there any discussion, members?

The motion to approve C 2013-225 was then put, and unanimously carried.

CLAIMS:

C 2013-239 Communication (06/04/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by DIG Operations Inc., for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Kagawa moved to refer C 2013-239 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Ms. Yukimura, and unanimously carried.

C 2013-240 Communication (06/07/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Margaret Lacro, for damage to her personal property, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Kagawa moved to refer C 2013-240 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Ms. Yukimura, and unanimously carried.

COMMITTEE REPORTS:

PLANNING COMMITTEE:

A report (No. CR-PL 2013-04) submitted by the Planning Committee, recommending that the following be approved as amended:

"Bill No. 2465 A BILL FOR AN ORDINANCE TO AMEND CHAPTER 9, KAUA'I COUNTY CODE 1987, AS AMENDED, TO ALLOW FOR MULTI-MODAL TRANSPORTATION PRINCIPLES FOR SUBDIVISIONS,"

Mr. Bynum moved for approval of the report, seconded by Mr. Rapozo, and unanimously carried. *(See later for Bill No. 2465, Draft 1.)*

HOUSING & TRANSPORTATION COMMITTEE:

A report (No. CR-HT 2013-08) submitted by the Housing & Transportation Committee, recommending that the following be received for the record:

"HT 2013-03 Communication (05/21/2013) from Committee Chair Yukimura, requesting the presence of the County Engineer to provide an update on the Līhu'e Bypass Feasibility Study,"

Ms. Yukimura moved for approval of the report, seconded by Mr. Rapozo, and unanimously carried.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2489) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO LOW AND MODERATE-INCOME HOUSING AND LONG TERM AFFORDABLE RENTALS: Mr. Kagawa moved for passage of Proposed Draft Bill No. 2489 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for August 14, 2013, and that it thereafter be referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, seconded by Ms. Yukimura, and carried by the following vote:

FOR PASSAGE:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: Members, I want to say thank you very much for your patience today and getting us moved to this point. It is now 10:00 p.m. This Council is adjourned.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

JADE K. FOUNTAIN-TANIGAWA
Deputy County Clerk

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