

TO: Chair Kelly King and members of the CARE Committee,

FROM: Albert Perez, Maui Tomorrow Foundation

RE: Bill 91 (2022), Relating to Wetlands Restoration and Protection (CARE-55)

DATE: June 29, 2022

Maui Tomorrow supports this bill because of the many benefits of wetlands, which have already been mentioned by other testifiers. Flood control, sediment filtering, and providing a place for juvenile fish to grow bigger are functions of wetlands that they provide to us for free. If we had to pay for constructed facilities that serve these functions, they would cost millions of dollars.

I have mixed feelings about this bill, because it does not protect all wetlands in the County. It only applies to community plan amendments, changes in zoning, and the like. Other jurisdictions require delineation of wetlands and their buffers for all development, and have permanent staff to perform that function. In the event that an entire parcel is determined to be wetland and/or buffer, there can be a provision to allow construction of a single family dwelling. As each delineation is done, it is added to the wetlands map; thus, over time, filling in the gaps in national wetlands maps, which generally only indicate about one-third of the wetlands that are actually there.

But it's a start. And it's urgent. Hopefully the Council can pass something in time to preserve at least some of the wetlands that are left.

I do recommend that we take advantage of the work that was done for the West Maui Community Plan, which this Council adopted in December of 2021.

Specifically, Policy 2.33:

2.3.3 | Protect ocean and stream water quality by requiring that wetlands, as defined by traditional historic knowledge or by Section 404 of the Clean Water Act, be preserved with vegetated buffer areas that are adequate to protect them from pollutants.

So I recommend that the definition of a wetland be expanded to include areas defined by traditional historical knowledge.

Also, Implementing Action 3.11:

3.11	Propose amendments to the Maui County Code to prohibit new development within gulches as identified in Figure 2.3, and within wetlands, and implement a 100-foot buffer around gulches, wetlands, and streams where no structures will be allowed.
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This implementing action calls for the creation of 100 foot buffers around wetlands, instead of just leaving it up to the administration to determine how big the buffer should be. Without adequate buffers, the health and functions of wetlands can be compromised.

Mahalo.