

CARE Committee

From: Keola Whittaker <Keola.R.Whittaker@co.maui.hi.us>
Sent: Tuesday, June 28, 2022 2:23 PM
To: CARE Committee
Subject: CARE-55

While our signature was not requested for CARE-55, I wanted to offer a few minor suggestions to improve the bill. My recommendations are below.

- **Definitions** – I recommend clarifying the definition of “Wetland” as follows --

“Wetland” means those areas that ~~are currently or were prior to any human-caused alteration (e.g., filling, introduction of invasive plants)~~ under normal circumstances, are inundated or saturated...

“Normal circumstances” means the hydrologic, substrate, and vegetation conditions that are present in the absence of altered circumstances. Normal circumstances include natural seasonal and interannual variations in hydrology, substrate, and vegetation conditions. Natural, purposeful, or inadvertent conversion of a non-wetland area into a wetland area can cause new normal circumstances.

- The revised definition is more expansive because it would include areas that have seasonal variation and would clarify what “prior to any human caused alteration” means.
- **19.47.040** (and other areas) – Instead of saying decisions must be “consistent with” the report (since the report does not require policy recommendations) you may want to say decisions must “take into consideration” the report and “be consistent with the policy in section 19.47.020”.
- **19.47.060** – Instead of using the term “landward extent” just use the term boundary, since it means the same thing in this instance and boundary is more commonly used.