

# AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION COMMITTEE

Council of the County of Maui

## MINUTES

March 20, 2025

Online Only via Teams

**CONVENE:** 9:01 a.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Gabe Johnson, Chair  
Councilmember Shane M. Sinenci, Vice-Chair  
Councilmember Tom Cook, Member  
Councilmember Alice L. Lee, Member (In 9:24 a.m.)  
Councilmember Tamara Paltin, Member  
Councilmember Yuki Lei K. Sugimura, Member (In 9:05 a.m.)  
Councilmember Nohelani U‘u-Hodgins, Member (In 9:05 a.m.)

**STAFF:** Ellen McKinley, Legislative Analyst  
Jarret Pascual, Legislative Analyst  
Richelle Kawasaki, Deputy Director  
Criselda Paranada, Committee Secretary  
Lenora Dinneen, Council Services Assistant Clerk  
Ryan Martins, Council Ambassador

### Residency Area Offices

Mavis Oliveira-Medeiros, Council Aide, East Maui Residency Area Office  
Roxanne Morita, Council Aide, Lāna‘i Residency Area Office  
Jade Rojas-Letisi, Council Aide, Makawao-Ha‘ikū-Pā‘ia Residency Area Office  
Bill Snipes, Council Aide, South Maui Residency Area Office

**ADMIN.:** Jacalyn “Jacky” Takakura, Planning Program Administrator, Department of Planning (ADEPT-2)  
Jordan Molina, Director, Department of Public Works (ADEPT-2)  
Cynthia Lallo, Chief of Staff, Office of the Mayor (ADEPT-2)  
Andrew Nelson, Deputy Corporation Counsel, Department of Corporation Counsel (ADEPT-2)

**OTHERS:** Robin Knox, Principal Scientist, Save the Wetlands Hui (ADEPT-2)

### Testifiers

Cody Nemet Tuivaiti (ADEPT-2)  
Jasee Law (ADEPT-2)

(20+) additional attendees

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

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CHAIR JOHNSON: . . .*(gavel)*. . . Aloha. Will the Agriculture, Diversification, Environment, and Public Trust...and Public Transportation Committee come...come to order on March 20th, 2025. The time is now 9:01 a.m. Members, in accordance with the Sunshine Law, if you're not in the Council Chamber, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified. Also, please see the last page of the agenda for information on meeting connectivity, and remember to silence all cell phones. Good morning, everyone. I look forward to chairing a productive meeting. I'm Gabe Johnson, your Committee Chair. Also joining us today is Vice-Chair Shane Sinenci. Aloha, Councilmember.

VICE-CHAIR SINENCI: Hey, aloha kakahiaka, Chair. Happy to be here this morning, and there are no testifiers in the Hāna District Office.

CHAIR JOHNSON: Okay, great. Thank you. Council Chair Alice Lee is always welcome. She will be joining us shortly. Committee Member Tom Cook. Aloha, Councilmember.

COUNCILMEMBER COOK: Aloha kakahiaka. There's no testifiers in the Kihei Office, and Bill Snipes is manning the fort. And I'm looking forward to work.

CHAIR JOHNSON: Great. Aloha. Okay. And let's move on to Councilmember Tamara Paltin. Aloha, Councilmember.

COUNCILMEMBER PALTIN: Aloha kakahiaka kākou. And I want to wish my mom a hau'oli lā hānau, it's her birthday today.

CHAIR JOHNSON: All right. Happy birthday, Miss...Ms. Paltin, right? And let's...of course, Committee Member Yuki Lei Sugimura and Nohelani U...Counc...Committee Member U'u-Hodgins will join us a little bit later. Non-Voting Committee Members are always welcome, that is Councilmember Tasha Kama and Councilmember Rawlins-Fernandez. From the Administration, we have, from the Department of Planning, Jacky Takakura, and she has to leave today at 10:00 a.m., just to let everybody know. From the Department of Works *[sic]*, we have Director Jordan Molina; and from Corporation Counsel, we have Andrew Nelson, Deputy Corporation Counsel. From the Committee Staff, we have Ellen McKinley, Legislative Analyst; Jarret Pascual, Legislative Analyst; Richelle Kawasaki, Legislative Attorney *[sic]*; Criselda Paranada, Committee Secretary; and Lei Dinneen, Assistant Clerk

**RESOLUTION 25-54, CONSERVATION PLANNING REVIEW  
AND RECOMMENDATIONS ON WETLAND PARCELS  
(ADEPT-2)**

CHAIR JOHNSON: Today on our agenda, we have only one item; that's Resolution 25-54, Conservation Planning Committee Review and Recommendations on Wetland Parcels. The Committee may consider whether to recommend adoption of Resolution 25-54 with or without reserva...revisions, and other related action. Thank you, Members and

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Administration, for being here today. Since we have just one item on the agenda, let's hold public testimony until after our presentation and opening remarks. Members, we have before us Resolution 25-54, "REQUESTING THE CONSERVATION PLANNING COMMITTEE TO REVIEW AND PROVIDE RECOMMENDATIONS ON PARCELS IDENTIFIED AS WETLANDS IN THE MAUI COUNTY WETLANDS MAP." The Maui County Wetlands Map was created last year by a contract managed by the Department of Planning that created an inventory of wetlands in the County in accordance with Maui County Code Chapter 19.47. The map is an informational document identifying wetlands so the County can take further steps to restore and protect these important ecosystems. Resolution 25-54 asks the Conservation Planning Committee to look at this map and, as members with expertise and conservation, come up with recommendations and priorities for the parcels in the map. Recommended actions could include appraisal, acquisition, management planning, conservation easements, or a change in zoning to implement the Wetlands Overlay District. The priority list could consider both the importance of the parcel due to its functions and feasibility, such as if the parcel...parcel is unutilized, or if the owner has indicated a willingness to sell or rezone. Members, I've uploaded a link to the wetlands map in Granicus number 3. That's number 3 on Granicus. If you take a moment to look at it on your own, you will see how technical and complex this map is. That's why we need...we could really use the CPC's help. In Granicus number 4, you will also see a response from the Planning Department last year that said the Department has no plans to implement the Wetlands Overlay District in any of the parcels identified as wetlands. In other words, the ball is in our court. We have been seeing firsthand the damage caused by development into wetlands with...without adequate pro...protections and restoration--flooding, property damage, public safety hazards, mud-clogged roads, infrastructure erosion, brown water events, and poor water quality and reef health are just some of the impacts. For those reasons and more, such as culture and recreation in biodiversity, it is in the Code that the County's policy is to restore or protect wetlands. By adopting this resolution today, we can take a step to seek expertise to narrow down and prioritize the wetlands identified in the Maui County Wetlands Map, which will bring us, as policymakers, closer to implementing thoughtful funding and legislation where there is the greatest need and opportunity for a positive impact. Members, if there's no objections, I'd like to designate as a resource persons under Rule 18(A), given their expertise as a scientist studying the wetlands of South Maui...that would be Robin Knox, Principal Scientist of Save the Wet...Wetlands Hui. Any objections, Members?

COUNCILMEMBERS: No objections.

CHAIR JOHNSON: Okay. Thank you, Members. Before we begin, I want to let you know that we're trying to finish this meeting by 11:20 a.m. today in time for our meeting we all have with the Governor and Senator Brian Schatz. Thank you for your understanding and cooperation. And before we go on to Ms. Knox, I want to recognize a few of our Councilmembers that have joined here. So, Miss...Councilmember Sugimura, are you ready to greet us today?

COUNCILMEMBER SUGIMURA: Yeah. Good morning. I'm logging in still, but --

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CHAIR JOHNSON: Okay.

COUNCILMEMBER SUGIMURA: -- good morning.

CHAIR JOHNSON: Good morning. And then to my left, we have Councilmember U'u-Hodgins. Aloha, Councilmember. Good morning.

COUNCILMEMBER U'U-HODGINS: Aloha, Chair. Good morning.

CHAIR JOHNSON: Okay, great. So, with that said, Ms. Knox, thank you for joining us today. Is she on the call? We can turn your camera on, and you can begin your presentation. There she is.

MS. KNOX: Aloha kakahiaka. Thank you so much for bringing this agenda forward and this resolution today. It is very important to the health and well-being of our South Maui community, and our County as a whole. I'm going to start my slideshow. Let's see...okay. You should be seeing my slide now.

CHAIR JOHNSON: Yes, we can see it.

MS. KNOX: Can you see it? Okay, great. All right. So, this is a wetland functional assessment of the wetlands of Kula Kai, the Save the Wetlands Hui has been studying since 2021. Just a reminder who Save the Wetlands Hui is. We're a group of residents with a mission to protect and restore wetlands in Maui County, and our work has been sponsored by the Mayor's Office of Economic Development. Again, a reminder, why do we care about wetlands? The bottom line is that wetlands provide functions that...or the wetland functions provide ecological services that are of great value to our community. And the County Council recognized this in unanimously passing Ordinance 5421 that provides that the wetlands be identified, mapped on a zoning overlay, and evaluated for wetland functions and restoration potential prior to issuance of development permits. And then the background to this slide, you see the County map that Chair Johnson was referring to earlier that shows in blue what the consultants said were wetlands; and in yellow, equally important areas that they identified as areas with wetland functions. Because--and that is the focus of my presentation today, is function. So, the ordinance also says the Conservation Committee may advise the Mayor, and the Council, and the agencies to acquire property containing wetlands or conservation easements. And so, the Hui, when we were writing our grant proposals, we thought it would be a really good thing if there were a systematic objective-functional-assessment approach that could support the implementation of the ordinance, and help the Conservation Committee and the County Government prioritize lands for acquisitions. So, just a little bit of definition of terms, you'll hear me talking about functions and values. Functions are natural physical processes--physical, chemical, and biological processes--but they're the natural processes that go on in the wetlands. The values are the benefits, or the ecosystem services that the wetlands can provide from those functions. And it's interesting that these can be environmental, like better water quality; or they can be

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societal, like aesthetics, and education, and cultural importance, and, you know, things related to our quality of life; and also public safety, which we've started to get a real sense of with how devastating some of our flooding has gotten. The...a very important takeaway that I...I want you to get today is that these functions and their...and how valuable they are to us depend on the relationship between the wetland and the other ecosystems in the watershed. So, it's...it's kind of a challenge that we have to both see the forest and the trees, so to speak. We...we have to look at the wetlands and protect the wetlands, but we also have to recognize that they're part of this larger watershed that goes all the way mauka to makai, from the...the...the top of Haleakalā all the way out into the coral reefs, and that it's a whole system. So, the wetlands are kind of the indicator. If the wetlands aren't doing well, it's an indicator that the whole watershed's not doing well. And if the wetland functions are improving or they're working well, it's an indicator that the whole watershed's looking...working well. So, everything we need to do with regard to the wetlands is not in isolation, and everything you might try to do for a particular parcel, it's not an isolation. It's part of a larger functional landscape that's important. So, we have to think big and think detail at the same time. Degradation of that ecosystem and that watershed will diminish the functions and values. And some things, you can have a high function, but if it's something that's not really important to us, it may not also have a high value. So, that's not often understood. But the method that we're going to use helps us distinguish wetlands that have both high value and high function because that's the ones we want to focus on. So, the Kula Kai Functional Wetland Assessment study area includes--it starts at Pulehunui Ahupua'a, and goes all the way down to Kalama Ahupua'a. And the area that we studied was the area from the...the Pi'ilani Highway down to the coast. It includes 43 of the 44 wetland features previously identified by Save the Wetlands Hui. We did not include the Ohukai Stream because we just had a limited number of resources, and we felt that the significance of that one was not as great as the others. The pi...this is a pilot project. It's important to understand this. You know, we were asking the question, can we have some sort of systematic method that would help assess function, and help our Wetland Protection Program in Maui County? So, it's...it's a first-time thing of trying to do this. So, we researched a lot of methods from across the country that had been previously developed, and the one that we found to be the most developed, and the most widely-used and supported, was one developed by the State of Oregon and US EPA called the Oregon Rapid Wetland Assessment Protocol. And we did make--it...it's a model. It...it takes quantitative and qualitative data, and turns it into a system that rates different characteristics of the...the wetlands, and the watershed, and the larger landscape, and...and gives you like a ranking. So, it's systematic and objective, and based in the laws of physics and chemistry. It uses information about the wetland surface hydrology, the plant communities, fisheries, water chemistry, soils, and human impact to assess the performance of different functions. It's not the same as a wetland delineation. Wetland delineations are regulatory studies. They're done by identifying, you know, plant soils and hydrology that define an area as a wetland. But this is more about function, not...not about regulation. It's a robust methodology. It's been used worldwide in wetlands. The value and...like I said, the value and the services provided have been modified to recognize our flora and fauna here in Hawai'i, and especially the native species of Leeward Maui. This has been used by groups like The Na...Nature

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Conservancy, the Ramsar Convention, and national wetland managers throughout the country and other places in the world. So, the...the methodology identifies functional categories. And so, the...the...there's like functional groups that have all these different functions categorized within them, and they all relate back to physical, biological, and chemical aspects of the system. So, if...if these aspects, these...these, you know nature-based aspects are degraded physically, if the physical aspects are degraded, the biological aspects also get degraded. And then conversely, if the physical functions can be restored, the overall value of the biology and the overall magnitude of ecosystem services can be improved. So, we...I would say one of the big areas, if I would say what...what I would improve if I was going to do this again, would be the methodology for the actual data collection, and coming up with the uniformity and consistent approaches to that. Being this is the first time it was ever done, we basically had to use a lot of the data that was readily available to us. So, those data sources included previous surveys, wetland delineations that had been done over the years on different properties, watershed plans, environmental impact statements, a lot of aerial photography, the specific studies that Save the Wetlands Hui had done on hydrology and water quality data, and even anecdotal community data. So, on this slide, there's two tables just giving you--I don't expect you to be able to read it, but just giving you an example of--you know, we...we observed the wetlands, and we looked at when were they flooded, and how long did it last, and when did that occur...and the ponding, you know, how long did the water stay there? How deep was it? How long did it stay there? We did water quality for nutrients and other parameters in these locations where water is present. We also had a lot of anecdotal, you know, kind of opportunistic data collection and community data. So, this could be somebody posted on Facebook that they found a fish, or they found a bird in a certain area, and we just tracked that and made notes of that. And so, this is one of the cool things about this methodology, is that even if you don't have a big scientific heavy crew to go out and do super formal data collection, you can still make an assessment. And so, that's what we did with this very first assessment because that is the data we had. And there were some real surprises. Like there on the...the right-hand side, you see an 'o'opu at Waiohuli Kai Restoration Site that Cody found, and posted on the Facebook group. So, we used all available data in this. And...and the ro...we wanted to do...we had planned to do more robust field data collection, but the...there were limitations of the grant contracting and funding that caused delays, and...and we weren't allowed...we weren't allowed the opportunity to get the database that we needed to collect and...and manage data more rigorously. So, I'll give you an example of just how this assessment would go for just one area--we don't have time to go through each one of them--but over on the top left-hand corner of the slide, you'll see that we...we...we look at the overall landscape, and we look at the hydrology of how does the water travel through what we call assessment units. So, these assessment units are outlined in red, and...and within there, you see the yellow outline of...of the...the hydrology of--this is Ka'ono'ulu Ahupua'a Assessment Unit, and the outline in yellow is the Kūlanihāko'i Gulch, which is rather infamous at this point in time for what's going on there. And so, when we...when we do the...when we do the assessment, we look at these different functional groups, like hydrologic function, and we...we look at selected functions, water storage and delay is one, and then it gets a rating based on all the data that we put in. And this data will be things like slope, and

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flow, and rainfall, and other kinds of...of data, whatever is available to us. And then it gets rated lower, moderate, or higher, and the values also get rated. And these are just pictures of what this area looked like. We had in the lower left-hand corner--and...and, visual, you know, photography, and drone imagery, and stuff like that plays a big role in this because you can learn a lot from it. And so, this wetland, as it existed, had been very elevated by accumulation of sediments, so the water really couldn't spread out across the wetland, and it was basically staying in this channel. And that is the wetland where emergency sediment removal has been done. And you can see over on the...the right-bottom-hand corner, that's the ocean side of South Kihei Road, the makai side, and there are some endangered Hawaiian birds there that use that habitat. So, it's...it's got a lot of high value for--there were also fish in the water--lot of high value. We...we probably would have rated it differently--we rated it pretty highly, as you'll see at the end in the conclusions, because the emergency sediment removal project was restoring some function, and we actually saw more fish and more pooled shallow water habitat when...when the sediment removal began. However, as you're probably aware, the December 31st storm filled that wetland with sediment again. So, that just brings home that point of we have to look at the bigger landscape too, not just at the wetland. So, the end result or conclusions of this study is that we identified baseline functions and elements; we defined high, medium, and low functions; and gave a comparison so that you can have some basis for rationale for prioritizing projects. We had insufficient data for Waimahaihai and Kalama, but for the other areas, we were able to give a rating. And the good news is that we did not have any low ratings. . . .*(laughing)*. . . A high rating indicates that all the features in that assessment unit, if we address the problems now, could lead to a fully functioning wetland with minimal earth-moving, or major time and cost investments. Now, like I said, Ka'ono'ulu, we gave it a high, but that was at the moment in time where sediment had been removed, so now that rating may have changed because it filled up with sediment again. So, medium indicates that there would be some earth-moving, culvert replacement, and so forth required, but that restoration of that function is recommended and advisable. Low would indicate that there just isn't the capacity or the potential to restore the function. So, the good news is that all of our assessment units have potential to support wetlands and to be rehabilitated to conditions that would have enormous value to those who live in Kihei, and those who visit. So, with regard to prioritization, this is not something that can be done by, you know, one group, or a group of scientists with the model. It has to include community input, and it has to include factors like cost, feasibility of doing the work physically. We have to take into account existing buildings, roads, property ownership--which is, of course, why we're having this discussion because the County may need to acquire properties or conservation easements to do some of this restoration work. So, our recommendations on those criteria is that it has to be a top priority to address any urgent needs for public safety and flood damage prevention. That's just simply necessary for protection of human health and safety. We want to preserve rare or...or if it's the only specimen remaining of a type of wetland or--and especially gulch connections of the hydrology between the dry uplands and the shoreland. The...the...you know, follow the water is kind of the mantra of protecting the watershed and the wetlands, so we really need to protect that connectivity. Protect lands that can improve water quality by retaining sediments or--and especially lands that have springs

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and seeps from the groundwater because that's introducing fresh water into the landscape, that's helping to prevent saltwater intrusion, that's helping to keep a healthy estuary that's important for fisheries. So, those lands are very important. Preserve the remaining undeveloped permeable element areas, even if they're not classified as wetlands, because they can still provide what--that ecosystem uplift. The idea generally is, you want...you want Kula Kai to become a sponge. You know, we want to capture water, and...and let it infiltrate into the land everywhere that we can. That is what will make this overall system functional. And we want to protect any lands within residential or commercial settings that provide connection or buffers around the wetlands as well. It's really important to continue our public education and outreach to increase the understanding of the value of the remaining wetlands, and how they fit into the larger watershed, and what services they provide. And it's not even just the things that are commonly talked about, like managing flood water, but also mitigating heat. With climate change, I don't know how much time you spend in Kihei, but it's gotten almost unbearable sometimes during the summer, and it's really a health issue. Protection of the public lands and enhancement of wetland functions. We think that Kalama Park and Waipuilani Park have great potential to serve as wetlands that provide for stormwater and sediment retention. We need better documentation and data of where the excessive sedimentation is occurring and where it's impacting water quality so that we can support the work of the responsible agencies and authorities, the restoration practitioners, and the stakeholders. The data collection protocols I would like to improve so that we have more rigorous data to use in these function and values assessments so that we can better serve the County managers and Conservation Committee. We want to use...we recommend using the wetland zoning overlay process to better evaluate the function of the land parcels within the whole ecosystem. And again, this will be the challenging part. Because to acquire the properties to pass the zoning overlay and all of that, we have to deal with parcels, but we have to always keep that picture, that this parcel is part of a bigger picture, and...and that where it stands in that bigger picture is important and is an important part of understanding the value of conservation or restoration of a particular parcel. And then we want to fully implement protection of the areas in the wetland overlay that have wetland function, even if they were not called wetlands, and the prescribed wetland and gulch buffer...buffers in the South Maui Community Plan. Any green space, any open space, or any buffer improves the hydrologic function of the watershed and of the wetlands, even if it does not exhibit wetland characteristics. Big picture--and this is actually an old slide from way back at the beginning and it still holds through. No new development in wetland streambeds, or riparian corridors, or floodplains. It's just folly. We know that it is going to present hazards, and we just need to...to do a better job of planning and where we do development. We want to restore and enhance functions of the existing wetlands as well as the watershed, and do what we can to mitigate the sediment loss and to capture sediment and water mauka of the highway. This is super important. We can't just keep putting Band-Aids on the symptoms and not addressing the cause. Right now, we have a bunch of different plans--watershed management, flood control, drainage--we need those to be integrated, and we need a way for our community to have a voice. Right now, it's mainly County, State, Federal agencies, and there's not a real way for the community, as stakeholders, to interact. And then whatever plan we come up with, it

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has to be funded and implemented. There's been a watershed plan since 2013, and it...and nothing's been implemented. And then lastly, we can engage the community and citizen science to support this. That helps give us more eyes, more hands, and helps lower the cost of collecting the rigorous data that's needed. So, that is my presentation, and I'd be happy to answer any questions you might have.

CHAIR JOHNSON: Okay. Thank you so much, Ms. Knox. Members, I don't see any clarifying questions, but I do want to recognize Chair Lee who's entered the Chambers. And aloha, and welcome, and good morning, Chair Lee.

COUNCILMEMBER LEE: Aloha and guten morgen --

CHAIR JOHNSON: Oh.

COUNCILMEMBER LEE: -- from Germany.

CHAIR JOHNSON: Guten morgen. Okay. . . *(laughing)*. . . Now, I know our next presenter is from...is on a limited time, so thank you, Members. Let's turn it over to the Department of Planning, which oversaw the creation of the Wetlands Inventory Map, for any opening remarks from Ms. Takakura. And I know she has to leave soon, so I want to respect her time. Ms. Takakura, are you on the call?

MS. TAKAKURA: Yes. Good morning, Committee Chair Johnson and Members of the Committee. So, as you know, the Planning Department worked with the consultant and UH Sea Grant to prepare the draft overlay--I mean the...the overlay GIS of the wetlands and transmitted that last summer. And we go by Maui County Code Chapter 19.47 for the...our role and the County Council's role in the wetlands overlay, and also the process is also there in 19.47 for change of zoning or whatever else needs to be done for the wetlands. I just want to add that, you know, typically the Department of Planning does not initiate changes in zoning designations. This is usually initiated by property owners, and sometimes by County Council. Also, while it may be beneficial to have the Conservation Planning Committee pro...provide recommendations for actions on the parcels identified, we...Planning Department, we don't have the expertise to provide recommendations on specific properties, and also, we do not have the capacity to initiate zone changes for what could be a significant number of parcels. Regarding the process, if it's the desire of the Council to ut...utilize the Conservation Planning Committee, then the Department recommends that the Committee first provide their recommendations to the Council, and then based on those recommendations and consideration by the Council, that the Council then determine the most appropriate procedure for initiating such recommendations, which may include hiring a consultant that could work with the Planning Department to facilitate the zone change process. Given the significance of the changes in zoning that could potentially have on private and public property owners, we also recommend a robust...robust public notification process, both at the Committee level and during the formal--any zone change procedures. So, that's my statement from Planning Department. Thank you.

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CHAIR JOHNSON: Thank you so much, Ms. Takakura, and thank you for joining us this morning. Okay. I don't see any hands for clarifying questions. We're going to move on to Director Molina. Director Molina, if you're on the call, your department has managed and helped mitigate flooding, most recently in South Maui. With that in mind, do you have any opening remarks from the Department of Public Works? Director Molina. Oh, there he is.

MR. MOLINA: Hi. Good morning, Chair.

CHAIR JOHNSON: Guten morgen.

MR. MOLINA: Jordan Molina, Director of Public Works. I came down with a cold last night, so I'm going to --

CHAIR JOHNSON: Oh.

MR. MOLINA: -- save my strength to answer any questions the Committee may have. So, no comments at this time. Thank you.

CHAIR JOHNSON: All right. Thank you so much, Director Molina. Hope you take care. Honey and hot water, that's my secret. All right. Let's move on to public testimony now. So, public testimony. At...at this time, if there's any...anyone wishing to testify on this item, please use the raise-your-hand function and you will be called upon to testify. And Staff, is there anyone wishing to testify?

MR. PASCUAL: Yes, Chair. We currently have one individual signed up to testify.

CHAIR JOHNSON: Okay. Well, let me read...let me read the...the script here. Oral testimony via phone or video conference will be accepted in addition to in-person testimony. Individuals wishing to testify in person may sign up with the Staff member at the entrance of the Chamber. For those joining the meeting via Microsoft Teams, those wishing to testify can let Staff know by using the raise-your-hand function. If you wish to testify, once you have been added to the testifier log, Staff will lower your hand. Testifiers wanting to provide video or audio testimony should have joined the online meeting being the tinyU...URL link or by calling in to the phone number noted on today's agenda. Written testimony is encouraged and can be submitted via the eComment link at [mauicounty.us/agendas](http://mauicounty.us/agendas). Oral testimony is limited to three minutes per item. If you're still testifying beyond that time, you will hear a second timer go off after 30 seconds, and I'll kindly ask you to complete your testimony. We ask that you state your full name and organization, but if you prefer to testify anonymously, Staff will identify and refer to you as "Testifier." Please also indicate on the agenda items which items you're testifying on. Once you are done testifying, or if you do not wish to testify, you can view the meeting on *Akakū* Channel 53, Facebook Live, or [mauicounty.us/agendas](http://mauicounty.us/agendas). Thank you all for your cooperation. The Chair will maintain decorum at all times. Any person who behaves in a manner that disrupts, disturbs, or impedes the orderly conduct of any Council meeting can, at the discretion of the

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presiding officer or a majority of present Councilmembers, be ejected or banned from Council meetings, or if participating remotely, muted or dropped from the meeting. Examples of disruptive behavior include heckling, shouting, use of profanity, threatening or slanderous remarks made to any Member of the Council, Staff, or general public. Committee Members, I'll now proceed with oral testimony. And Staff, you've been monitoring. It seems that we do have one, so please call the first testifier.

**. . . BEGIN PUBLIC TESTIMONY FOR ADEPT-2 . . .**

MR. PASCUAL: Chair, the first testifier is Cody Nemet Tuivaiti. Cody, your mic is enabled. You would just have to turn it on in the top-right corner of your screen.

MR. TUIVAITI: Oh, okay. Here we go. Aloha. You guys can hear me?

CHAIR JOHNSON: Loud and clear, Cody.

MR. TUIVAITI: Okay. Perfect. So, aloha mai kākou. 'O wau 'o Cody Nemet Tuivaiti. Ua hanai 'ia au ma Maui--Maui, Kula Kai, ka ahupua'a o Kēōkea. Again, my name is Cody Nemet Tuivaiti. I represent the 'Aha Moku Council o Kula Kai. Also direct...Project Director of the Hui o 'Āinakūko'a O Waiohuli Kai, which is a restoration project in the area of Waiohuli Kai. I'm here for the Resolution 25-54, and first off, I'm just testifying today in support of the resolution to accept recommendations from the CPC for parcels in the Wetlands Overlay Map. And then just kind of to add to that, add to kind of what Robin was saying earlier too, and, you know, just to provide some insight for those of us who are actually on the 'āina, working on the 'āina, working the land, seeing these...the impacts of these areas firsthand. The area that we work is...is right in that sediment zone, right in that...that impact zone, and it's...it's super important that...that we not only save what wetlands we have and...and waterways we have, but also to acknowledge everything that is around it like what Robin was saying. For us in the areas that we are, a lot of people don't realize that South Maui is a...is a wind...is a sand-swept zone. Basically, a lot of moving sand was here previously. And naturally, before, there were a lot of sand dunes, yeah? And so, one of the things that we trying to do too as well is...is not only protect the wetlands, but protect sand dunes in this area and...and try to restore those sand dunes. If you can kind of imagine, it's kind of like one bowl, yeah? When these dunes pick up and...and restore themselves, and the wetlands are there in place, it acts as like this big fishbowl where all the water can kind of accumulate and slowly filter out into...into the ocean in a...in a healthier way. What else was there...oh, yeah. So, like by having the process go through the CPC, I think it's a lot more better for...for them to kind of distinguish and...and create recommendations for...for what is important, to have...kind have that...that whole oversight to look at, yeah? Not just the wetlands. Also, you know, the whole mauka-to-makai thing, the...the ahupua'a from the wao akua, the wao kele, and the wao kānaka. The recharge station in the wao . . .(timer sounds). . . akua, the gathering of our minerals and our nutrients in the wao kele, and everything kind of coming to...come to meet down at the Kahakai in the wao kānaka, you know what I mean?

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CHAIR JOHNSON: Yeah.

MR. TUIVAITI: So, it's all really important, yeah? If we look at it in a way where we can utilize the good things that are coming from mauka, and not just focus on the bad things, we can utilize a lot of this stuff, huh? We just got to have the...the right heads in the right places. Mahalo.

CHAIR JOHNSON: Thank...thank you, Cody, for your testimony. Members, do we have any clarifying questions for our testifier? Seeing none. Thank you for your testimony once again. Staff --

MR. TUIVAITI: Mahalo.

CHAIR JOHNSON: -- will you call the next testifier, please?

MR. PASCUAL: Chair, I see one individual coming down to the podium.

MR. LAW: Aloha kakahiaka, aloha kākou, aloha *Akakū*. Luna Ho'omalū Johnson, I really appreciate what you're doing for the...the Hawaiians. And I appreciate the...the other testifier getting on there, and I just wanted to second. I wish I could go down there and help him, but...I don't know. So, I just wanted to say, I hope that...that we spend as much kālā, money, protecting the...those poor, little endangered birds as we spend on protecting the endangered Councilmembers.

CHAIR JOHNSON: Okay. Thank you. I don't see any clarifying questions for our testifier, so Staff, can you mo...do we have any more testifiers?

MR. PASCUAL: Chair, that's currently all the individuals signed up to testify at this time. You may do a last call.

CHAIR JOHNSON: Okay. Members, if there's--seeing there's no more individuals wishing to testify--oh, last call, any...last call for anyone testifying. Seeing...seeing no more individuals wishing to testify. Are there any objections to closing oral testimony for this item?

COUNCILMEMBERS: No objections.

**. . . END PUBLIC TESTIMONY FOR ADEPT-2 . . .**

CHAIR JOHNSON: Okay. Members, I'll now close public testimony for this item. Let's move on to our deliberations. Let's enter discussion--please note that Ms. Takakura is only available until 10:00 a.m. I propose three minutes per Councilmembers for each round of discussion, and we're going to start with the Vice-Chair Shane Sinenci.

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VICE-CHAIR SINENCI: Mahalo, Chair, and mahalo for that presentation. Mahalo, Ms. Knox, for...for your presentation. And I would only request that...I guess once we get started with the Conservation Committee, that maybe Ms. Knox can present to us, Chair, if...if you could like request that of the--formal request to the Committee.

CHAIR JOHNSON: Okay. Staff, will you take a note of that?

VICE-CHAIR SINENCI: And I do know that we still got a couple more vacancies we haven't met, according to Ms. U'u-Hodgins, since 2020.

CHAIR JOHNSON: Yeah.

VICE-CHAIR SINENCI: And so, that would be, you know, one of the issues for us to...to push, and...and get more people on the Conservation Committee. I think the good news about the Conservation Committee is, albeit we don't have...well, we still have some vacancies. We do have some Non-Voting Members that have a lot of experience with...with environmental issues. So, I think that's the...the positive with the Commission until we can get them going. So, Chair, for you, the question is, this...this resolution is just to come up with those recommendations in 120 days, yeah?

CHAIR JOHNSON: Yeah, that's correct. And to clar...yes, exactly. To clarify your point, that you--the...the Commission does have quorum. I know it's so hard to get quorum, but they do have quorum. There are vacancies, but we do have quorum to actually have them meet and do...do some . . .*(inaudible)*. . .

VICE-CHAIR SINENCI: Yeah, we just haven't had the meeting --

CHAIR JOHNSON: Yeah.

VICE-CHAIR SINENCI: -- called up yet. Okay. And then I do see a couple...at the end of this month, people might be...there's a couple of members that might be coming off, so we'll work on that. And I don't know if Lāna'i is on that Commission as well?

CHAIR JOHNSON: I...I thought Ben Ostrander was on there. I think--I'll check my list right here, but...

VICE-CHAIR SINENCI: And...and maybe Councilmember U'u-Hodgins can --

CHAIR JOHNSON: Here's the list.

VICE-CHAIR SINENCI: Okay.

CHAIR JOHNSON: Yeah, we do have Ben Ostrander from Lāna'i on there. Yeah.

VICE-CHAIR SINENCI: Okay. And then to Jasee's point, for Ms. Knox, you did mention that there were some threatened marine and bird...bird species in...in certain parts of the

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wetlands, but not--are they at...are they at just specific areas, and are there groups that are kind of monitoring those bird species in the wetlands?

CHAIR JOHNSON: Ms. Knox?

MS. KNOX: Yes. The birds, especially the...the ae'ō, will...

CHAIR JOHNSON: Uh-oh.

COUNCILMEMBER SUGIMURA: We're frozen.

CHAIR JOHNSON: Is anybody else frozen?

COUNCILMEMBER SUGIMURA: All of online is frozen.

CHAIR JOHNSON: Okay. How about we take a recess? You need five minutes? Two minutes? Okay. The ADEPT Committee of 3/20/25 is in recess until 9:47. . . .(gavel). . .

**RECESS:** 9:45 a.m.

**RECONVENE:** 9:50 a.m.

CHAIR JOHNSON: . . .(gavel). . . Will the ADEPT Committee of 3/20/2025 come back to order. Apologies for that technical difficulties right now. The time is now 9:50. We were on...we were moving on to the next Councilmember, I do believe, but we did have some questions. But before we go there, Members, do you have--the resolution is on Granicus. Do you want me to read it? Did you guys read the resolution? Do you need me to read the resolution for you?

COUNCILMEMBER SUGIMURA: Maybe the public does. We read it, but --

CHAIR JOHNSON: Oh, okay. We're...we're good? All right. I think, you know, in the interest of time, we --

COUNCILMEMBER SUGIMURA: Oh.

CHAIR JOHNSON: If you don't want to read it, it's fine, I won't read it, but I know we do have some questions from the Members.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR JOHNSON: Let's see...I'm...I...I'm going to jump over to Councilmember Paltin real quick because she said she had a question for Ms. Taka...Taka...Takakura, if everyone's okay with that. And then --

COUNCILMEMBER U'U-HODGINS: . . .(inaudible). . .

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CHAIR JOHNSON: Oh. Well, then let's just go with you, and then we'll just--in order to squeeze that in. So, go ahead, Councilmember U'u-Hodgins. Beg your pardon.

COUNCILMEMBER U'U-HODGINS: Thank you. Is Ms. Takakura online? I don't see her though. Oh, great. Good morning. Thank you so much. *(Audio interference)* Oh, wait. Hold on, I hear reverb.

COUNCILMEMBER SUGIMURA: Is that me? No. *(audio interference)*

COUNCILMEMBER PALTIN: I'm still trying to rejoin.

COUNCILMEMBER U'U-HODGINS: Okay. Thank you.

CHAIR JOHNSON: There we go.

COUNCILMEMBER U'U-HODGINS: Thank you so much. I got a call from my uncle who lives next to Maliko Gulch, and he was concerned about perhaps removing his property from this Wetlands Designation Map. And I'm just wondering, what's the process for him to do that, and who does he contact?

CHAIR JOHNSON: Ms. Takakura?

MS. TAKAKURA: Thank you for the question, Councilmember U'u-Hodgins. So, when the consultants were working on the map, they...they...they talked a lot with community members and some property owners, but of course, with so many thousands of parcels we had, they didn't talk to everybody, but that kind of gave them the information to prepare the map. If the...a property owner has information that would kind of show that the parcel doesn't have the two of the three required indicators, they could send it to Long-Range Division and we can take a look at it. Of course, none of us are scientists, but we do have UH Sea Grant that we work closely with that does have that kind of scientific background that can kind of help us guide and make a decision to update the map if...if need be. So, they could sent to Long-Range because the consultant--you know, the contract's over, right? So, it's...it's ours now.

COUNCILMEMBER U'U-HODGINS: Okay.

MS. TAKAKURA: Hope that helps.

COUNCILMEMBER U'U-HODGINS: It does. Thank you so much. Thanks, Chair.

CHAIR JOHNSON: All right. Let's move on to Councilmember Paltin, followed by Councilmember Tom Cook.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Takakura. I wanted to clarify what you said about a consultant for the changes in zoning.

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MS. TAKAKURA: Okay. Thank you for the question again. So, typically, a property owner would--or a developer wants to change the designations on a property, and so they would hire a consultant to help them go through the process. We're seeing that it's not that common that you, the County Council, sends resolutions, but we're seeing it--like you've sent to us, I think, a Pā'ia Train Depot, and then Maui Ocean Center was one a couple years ago, and then we have another one for Keoke'e (*phonetic*) Industrial.

COUNCILMEMBER PALTIN: Grace Baptist Church.

MS. TAKAKURA: But...what's that?

COUNCILMEMBER PALTIN: Grace Baptist Church?

MS. TAKAKURA: But--yeah. But we're working--the consultant is usually better equipped and has the resources to do a lot of the ground work, and then we help them process it. So, it's just really hard for us to do all of that work that a consultant is--they've done--they do these--you know, that's what they do, right? So, it...it'd be better to...to hire somebody that...that has that too...and of course, work with us, but not be the lead. Just...it's just kind of the...the workload is not...

COUNCILMEMBER PALTIN: I just was wondering your thoughts about having that capacity in-house, you know. Because not only the wetlands, but also like in housing, if it's County-owned land, the...the trend is going to be to like try and develop County-owned land, as we recently seen with the 50-acre parcel. So, if...if there's the full wetland, sweet. If there's housing instances and like that...I'm not saying in the Planning Department, but maybe either within Management, or the Mayor, or something like that, it might be helpful to have someone in-house on that. Like, what does a consultant cost?

CHAIR JOHNSON: Ms. Takakura?

MS. TAKAKURA: So, thank you for the question. When I meant consultant, I meant just the ones that typically do the change of zoning, or the community plan amendment, or the district boundary amendments. And it--for a more wholistic view like that, you know, housing, and the land, and maybe even concepts like conservation development where you look at a parcel and you say, okay, over here's developable, but over there, we're going to leave it alone because it might be a wetland or it has cultural resources. Just that kind of planning, would be wonderful if the County could do it. I don't...I agree, I'm not sure if it would be in the Planning Department or another department, but to have the resources like that, it would be the staffing. And of course, if...if you could --

COUNCILMEMBER PALTIN: I guess when...when you get that --

MS. TAKAKURA: -- pay people enough to stay in...in employment --

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COUNCILMEMBER PALTIN: -- non-existent land management --

MS. TAKAKURA: -- that would be really helpful.

COUNCILMEMBER PALTIN: -- going...land manager going, that might be a job under that --

MS. TAKAKURA: Yeah.

COUNCILMEMBER PALTIN: -- person when...I mean, it's been --

MS. TAKAKURA: Yeah.

COUNCILMEMBER PALTIN: -- a long time since we actually...

MS. TAKAKURA: Yeah.

COUNCILMEMBER PALTIN: We proposed land manager, I think, in --

CHAIR JOHNSON: Yeah.

COUNCILMEMBER PALTIN: -- 2019, but it hasn't come to fruition yet.

CHAIR JOHNSON: . . .*(laughing)*. . . Yeah.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR JOHNSON: All right. Thank you so much. We're going to move--and we're going to go in order now. Followed by--or Coun...Councilmember Tom Cook, followed by Chair Lee.

COUNCILMEMBER COOK: Thank you, Chair. My question's for Ms. Knox. The opinion of prioritizing funding for their detention up on the mountain...like the...the sedimentation of the wetlands is from the water that's coming down. So, I'm just curious about the feeling of that.

CHAIR JOHNSON: Ms. Knox?

MS. KNOX: Sure. Thank you for the question, Mr. Cook. The detention basins are a technology. They're a technology that has some drawbacks, mainly being it's one size. And if we don't know the size of the storms we're going to have in the future, we don't know what size basin to...to build. Another drawback of that is, we would need a large number of them, and someone has to maintain them. They're useless if you don't remove the sediment that they capture out of them after each event. And this is a concern. I have talked with Public Works a little bit about this. I mean, who's going to maintain these? So...and they're expensive to build. So, I--what...what I would like to see is that our discussions and considerations of what solutions are also include reforestation of replanting riparian quarters, using our R-1 water to restore the...the

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natural infrastructure of the watershed. Because that's more resilient, it's...it's not limited to a certain size storm design, it's more flexible. And so, I think we're going to end up with some combination of natural infrastructure restoration, green infrastructure in how we build, and some of that good, old concrete gray infrastructure. I think we're going to have to optimize. So, it's not an either/or, it's like what's the best combination of things?

COUNCILMEMBER COOK: Um-hum. Thank you. If I have time for one more question? What...what is your perspective on the recent sedimentation removal from the Kūlanihāko‘i Basin for all of that years of buildup?

CHAIR JOHNSON: Ms. Knox?

MS. KNOX: Yes, thank you for the question. I...I have...had a lot of concerns. I also saw a lot of opportunity, and a lot of hope in what I saw transpiring out there. I think the problem was that it was done as an emergency project. There was not enough environmental, and especially ecological review. Like there was no real plan for the restoration afterward. And then as we saw, kind of the fly...the flaw in the plan is, we didn't have anything to prevent more sediment coming down. So, I don't know if it's helpful if we're just digging sediment out and more sediment is coming down. But the idea of the removing the sediment, I think what we saw demonstrates that that is a good idea, that can restore function. But we have to figure out how to keep it from filling back up with sediment again, and that might be where some of the mauka detention basins come in, at...at . . .(timer sounds). . . least in the...in the short term.

COUNCILMEMBER COOK: Thank you, Ms. Knox. Thank you, Chair.

CHAIR JOHNSON: Thank you so much, Councilmember Cook. Let's move on to Chair Lee, followed by Councilmember Sugimura.

COUNCILMEMBER LEE: Ms. Knox, how do you envision paying for all the improvements that have to be made?

CHAIR JOHNSON: Ms. Knox?

MS. KNOX: I...I think that is a whole topic on itself that we all need to explore, but we need to look at in the...in the context of what it's costing us right now. It's costing us a tremendous amount of money. It's...it's cost us one life. We've had people's lives in jeopardy. People were rescued by helicopter from the tops of cars. They had to crawl out a window when their condo collapsed in the last flood. So, whatever we need to do to find the money to restore function to these systems, we need to do that. Because the cost and the damage only gets worse if we don't address the direct causes.

COUNCILMEMBER LEE: Thank you. I was concerned that, you know, maybe individuals in our community might be affected unintentionally, and adding a lot of cost to...to...to them to rectify or mitigate situations or, you know, laws or rules that we come up with.

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So, that...that's my fear, that the burden is not put on the individual property owner. Okay. Thank you. Do you have a comment on that?

CHAIR JOHNSON: Ms. Knox?

MS. KNOX: Yes. Thank you. I...I would support using public funds to facilitate this process. I...it is a stretch, both for our Planning Department and for individual property owners, or even any of the consultants out there to do the kinds of assessments and planning for restoration that need to be done. It's something that as a community, as a County, we have not done a lot of before, and it is somewhat cutting edge to...to return natural systems to function. But that is, in my opinion, clearly what needs to be done. So, I would not oppose use of public funds to help guide consultants, property owners, and...and County staff in methods of doing this.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR JOHNSON: Okay. Let's move on to Council Vice-Chair Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I think I have the same questions that I had when we took it up before because I got an email from private property owners, and --

CHAIR JOHNSON: Um-hum.

COUNCILMEMBER SUGIMURA: -- how does this impact them, right? So, I'm going to say the same things I said then, which is, we should notify these people before we move forward, and create a map, and go through all of this. Because what is the impact to the property owners, and the question of how do I remove--Member U'u-Hodgins--how do I remove my name from this list as a private property owner? If you're government, well, that's one thing, and it's pretty transparent. But if you're a private property owner, you know, there's ramifications for being on this list. What does it mean if I want to take action? Does it then stop me? I mean, there's a lot of things that needs to be explored before we can say, oh, we're going to do this, 120 days, too bad, so sad, you know? So, I...I believe that we owe it to the public so they get notified. We can't say, oh, it's up to them to figure it out because I don't think so. We're...we're doing something which I think is important, and we should treat each step in its level of importance. So, I guess maybe we can actually ask your con...the consultant. What have you done to notify the private property owners?

CHAIR JOHNSON: Is that for Ms. Knox?

COUNCILMEMBER SUGIMURA: Yeah, I guess so. She --

CHAIR JOHNSON: Because remember, the map has already been made...made, right? It's up on Granicus. It's--we're just...right now, the discussion is send...should we send it to the Conservation Committee. But Ms. Knox, do you want to respond?

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COUNCILMEMBER SUGIMURA: Okay, wait. Explain that to me?

CHAIR JOHNSON: The...the map's already been made.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR JOHNSON: It's up on Granicus. It's just right now, we want to send it to the Conservation Committee because just to those...those things you mentioned, like we want to have the experts speak on these parcels, you know? If we sit there--and like you were saying, you know, Council can do the change in zonings, but it might not be...we're not the experts. So, let's send it to the experts, take the politics out of it, and let the scientists dis...discuss this with their recommendations and come back to this Council to say, these are the ones that are like top priority, these are low priority. Those--that's the kind of discussion that they would bring back to us...because just to those reasons, because private property...some folks are for, some folks are against. They don't want to build and have their house be under...in a flood --

COUNCILMEMBER SUGIMURA: So --

CHAIR JOHNSON: -- right?

COUNCILMEMBER SUGIMURA: So, then the people whose private properties are on this list then have been already--I mean, on the map have been notified already?

CHAIR JOHNSON: I remem...actually, if--is Jacky...or Ms. Takakura still on the call, or did she leave already? But I--my understanding is there was notif...notifications for all those.

COUNCILMEMBER SUGIMURA: Because I don't think so.

CHAIR JOHNSON: Okay. Okay. So, do you want to have Ms. Knox respond, or...

COUNCILMEMBER SUGIMURA: I think she's the wrong person, yeah?

CHAIR JOHNSON: Okay.

COUNCILMEMBER SUGIMURA: From what you just said.

CHAIR JOHNSON: And as...as you know, Ms. Takakura had to leave for...for her...so, do you want us to send a letter to the --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR JOHNSON: -- the --

COUNCILMEMBER SUGIMURA: That's...that's my objection or my con...I guess concern.

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CHAIR JOHNSON: Okay.

COUNCILMEMBER SUGIMURA: Right? Same as before --

CHAIR JOHNSON: Um-hum.

COUNCILMEMBER SUGIMURA: -- and I want to know did somebody do something about it so all these people...

CHAIR JOHNSON: So...

COUNCILMEMBER SUGIMURA: I mean, otherwise, Member U'u-Hodgins' family private property would know about it, right?

CHAIR JOHNSON: Right.

COUNCILMEMBER SUGIMURA: Not be asking now how do I get my name removed?

CHAIR JOHNSON: So...

COUNCILMEMBER SUGIMURA: But...

CHAIR JOHNSON: Staff, if you can formulate that question as to, you know, have...have they been notified of all the...have the owners of those parcels been notified, is --

COUNCILMEMBER SUGIMURA: All the private property owners.

CHAIR JOHNSON: All the private property.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR JOHNSON: Okay. All right. So, it's...it's my turn, and I...I'll just add that...to that discussion, Councilmember Sugimura, is that, you know, a wetland is a wetland whether we...whatever...you know, nature's going to nature, right? So, we got to understand that if it is, then we should label it as such. It's...I...I think...so, my question is, is in regards to the...the...the board, the Conservation Planning Committee. If we could send a letter to the...the Administration in regards to getting an updated list of when are those folks going to be terming out, who...and who...that's really the question, is when are they...is...is...I know they're at like a very limited quorum, so let's make sure that...right now, they're at quorum, but in a month, maybe they're not. So, let's see if we can get a very updated list from the Administration. And that's...that's what I'd like to put down. Now, I know we have a list right now, but I don't know if it's as updated as...as it can be. You have the most updated list? Okay. Great. I...I think then...then that's fine then. Staff, you don't have to... My...my...I'm going to go to a

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second round if folks have second rounds. Does anybody have any? We do? Okay. So, we'll just do by a show of hands then.

COUNCILMEMBER U'U-HODGINS: Okay. Thank you. So...well, I have this list that is updated as of January 17th, 2025, so earlier this year. Currently, the voting members, we have...out of nine of them, three are vacant. One from East Maui, which I just talked to Mr. Shane Sinenci, and he's going to get somebody to do so. One from Molokai, and Mr. Vernon Kalanikau, his term expired...or will expire in a few weeks. However, as you guys know, there are several ex-officio members, which include the State Department of Land and Natural Resources, County Information Technology Division, The Nature Conservancy, Office of the Mayor, Managing Director, Department of Finance, and Department of Parks and Recreation. All of those are vacant. All of them. So, all ten...all six seats. So, 6, 7, 8, 9...9 seats out of a total of 16. So, my question is, why hasn't the Committee met since 2022? Do they not have staffing? Secondly, in your reso, it does say for them to get back to us within 120 days with a recommendation. What happens in the likely scenario that they don't get back to us in 120 days? What happens then? Oh, wow. And, you know, should we adjust that? And then, the...the study we just heard from Ms. Knox, which I found very informative, focused on Kula Kai and Kīhei. However, the map does not. Are we going to have a study for the rest of the island so we can have accurate information for everywhere else that's also wet? Like the example I gave was my uncle --

CHAIR JOHNSON: In Maliko.

COUNCILMEMBER U'U-HODGINS: -- who lives in Maliko, and has lived in Maliko forever. And he disagrees with the fact--or the map, rather--that it's a perennial stream. And we know this to be true because we gather river rocks for the imu quite often. So, what are we going to do about the rest of the island that hasn't been as studied as Kula Kai? And I agree with that study because it's quite obvious that it's a wetland, and it's always been a wetland. The rest of the islands, except maybe Kanahā, you know, it's not as obvious.

CHAIR JOHNSON: Yeah. Well, I--first off, I would support the...to putting funding in to include all of Maui Nui, of course...you know, the whole County. And I...I think I could turn it over to Corporation Counsel to respond is, what happens if 120 days pass? So . . . *(timer sounds)* . . . let's see if we can get --

COUNCILMEMBER U'U-HODGINS: Thank you, Chair.

CHAIR JOHNSON: -- a response from Corporation Counsel.

MR. NELSON: Hello. Let's see. I think if the 120 --

CHAIR JOHNSON: Mr. Nelson.

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MR. NELSON: -- days were to pass...hello. The...you know, I...I'm not sure that, you know, the...that there would be any remedy to speed that along. But, you know, it would at least encourage the Commission to attempt to meet, you know, a deadline.

CHAIR JOHNSON: Okay. Mr. Nelson, it's in the --

MR. NELSON: Thank you.

CHAIR JOHNSON: -- Code. I think it is 2.A2.060. That's the time frame that they're going off of. So, I guess if it's in the Code, what happens?

MR. NELSON: You know, the...the Council, I suppose, could...could attempt to enforce that provision, or ask the Administration to do so. But, you know, if...if --

CHAIR JOHNSON: Could we amend this resolution just to say 180 days, just for...you know, just to cover all the bases?

MR. NELSON: Yeah.

CHAIR JOHNSON: Um-hum. All right. Thank you.

COUNCILMEMBER U'U-HODGINS: Chair?

CHAIR JOHNSON: Miss--oh.

COUNCILMEMBER U'U-HODGINS: Oh. Can I ask more questions?

CHAIR JOHNSON: Yeah. Go ahead.

COUNCILMEMBER U'U-HODGINS: I don't disagree that sending this to the Planning...I'm sorry, the Conservation Planning Committee is the best way to probably make it as public as we can and to initiate discussion. My concern is that--and no offense, Member Sinenci--is that this is basically a defunct committee, so we're sending it into the abyss. And we're asking them to provide us a way to move forward, but they only exist in theory, it seems like, when half of the board is defunct and they haven't met in over--hold on, I did a quick calculation--730 days. And so, we're asking them to provide us, you know, a recommendation in 120 days, but they haven't met in two years or whatever.

CHAIR JOHNSON: Okay.

COUNCILMEMBER U'U-HODGINS: So, I want this to be public. I want us to figure out how we can best protect our wetlands and best protect our people. I just wonder if this is maybe the most inefficient way to do this, or the most efficient way to do this. I don't want to ask somebody to do something when they don't have the ability to do it.

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CHAIR JOHNSON: Yeah. I...I mean, we have seven of nine members right now. And I see a lot of hands going up, so I...I understand --

COUNCILMEMBER U'U-HODGINS: That's --

CHAIR JOHNSON: -- your concern.

COUNCILMEMBER U'U-HODGINS: -- but that's my concern. Thank you.

CHAIR JOHNSON: Vice-Chair Sinenci?

VICE-CHAIR SINENCI: Thank you, Chair. And I did not know that of the ex-officio members, I--on the...the website, it says that they're on until 2027. So, I wasn't sure now that they're...none of them are there. So, in that case--and I can understand, Member U'u-Hodgins, if she would have to...we would have to go through all that whole process of finding those ex-officio members as well. But the last...at that last meeting, we had Ms. Ornellas...as the secretary for our meeting, and she was the one that would always call us to...to let us know, you know, when the next meeting was, and --

CHAIR JOHNSON: Um-hum.

VICE-CHAIR SINENCI: -- I think...I'm not sure if she has since left the Mayor's Office upstairs, and may...and so, I don't know. Maybe that could be a question that we could ask, is who's taking her place as a secretary to run these...the...the Commission...these Conservation meetings?

CHAIR JOHNSON: Yeah. It's...it's frustrating for us to try to do this when the Administration seems to be dropping balls left and right. And I'm just saying that. I'm sorry. But really, if--it shouldn't be like this. It shouldn't...it...it should be a well-functioning group, and now we've got balls being dropped left and right. And now, like what you just added to that, it's just one more layer. Mis...let's see...do...do we have anything from Ms. Kawasaki, Legislative Analyst [sic]? Do you want to add...

MS. KAWASAKI: I...I do. Thank you, Chair. The--our Staff would not recommend that you place into a resolution a time frame that is not consistent with the County Code. So, we would ask you to consider that.

CHAIR JOHNSON: So, our hands are tied when it comes to that because of what we just said. But we really want the Administration to step up and get these folks on. I mean, it can't be that's the reason. . . .*(laughing)*. . . You know? It can't be that's the reason. But okay. I saw some other hands. Councilmember Paltin, your hand was up?

COUNCILMEMBER PALTIN: I don't know. I guess for me, my...my takeaway is, this was...the Conservation Planning Committee was Don Guzman's idea. And as soon as the Councilmember that tries to make a committee leaves, there seems to be no impetus for anything to continue on. If we can convene like a specific task force, maybe that might

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be a better way to go about it and just dissolve the...the CPC. Because if they're not meeting--we tried for six years, same with the land manager. You know, it's like --

CHAIR JOHNSON: Yeah.

COUNCILMEMBER PALTIN: -- kind of a full circle. Like you can only keep trying to say something for so many years and it doesn't happen before you got to just cut your losses. The task force can be the same kind of seats as the thing. It could be get together when we need them for specific purposes, and then dissolve because, you know, nothing lasts forever.

CHAIR JOHNSON: . . .*(laughing)*. . . Well, I saw Cynthia Lallo was...was on the call, and maybe she can add a little bit to this conversation. She's our Chief of Staff from the Mayor's Office. So, before I call on her, without any objection, I'd like to make her a resource according to Rule 18(A) of the Council. Any objections, Members?

COUNCILMEMBERS: No objections.

CHAIR JOHNSON: Okay. Ms. Lallo, I saw your hand up. Do you want to add to this conversation?

MS. LALLO: Thank you, Chair. Thank you for the opportunity to...to add to the conversation. I would say that the Conservation Planning Committee seems to have a history of a challenge, so I would agree with Councilmember Paltin in asking ourselves, is this the best tool for the job? I think we need to consider that. But it is in the Code, so we also have to honor that as well. I would tell you from the Administration's point, this has now--Maria Ornellas is still...is still with us. She is a wonderful resource, as we know, in a variety of different areas. Open Space and the Conservation--and...and as a result of that, the Conservation Planning Committee has just been assigned to a new staff person that's just joined the Mayor's Office. So, I feel like we can begin to take actions to power and empower this Committee to meet and provide information. But again, I would go back to...to Councilmember Paltin's is-this-the-right-tool-for-the-job question, right? But for this particular item that is up today, we will certainly commit to pulling that group together. But I think we also need to take a look at the Code and do some other things as well. So, you certainly have the Administration's full support in leading and pulling this Committee together.

CHAIR JOHNSON: Ms. Paltin?

COUNCILMEMBER PALTIN: I just wanted to clarify, is that new staff person Jody *(phonetic)*?

MS. LALLO: No, this is not--falls under Boards and Commissions, this is an EA on our team, and we will be pairing that EA with an Admin person to actually staff this Committee.

COUNCILMEMBER PALTIN: Okay. Thank you.

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CHAIR JOHNSON: Ms. Lallo, you know, one of the important duties of the...of the Commission is to work on the Greenplint...the Greenprint. And that...if we --

MS. LALLO: Yes.

CHAIR JOHNSON: -- if they haven't met for that amount of time, what's the status of...of the GreenPrint?

MS. LALLO: Thank you for that question. It's a good one. So, the Greenprint, as we know, in Code was due to the Council on December 31st of 2024. That has not been delivered for a variety of different reasons, but the conversation is to allocate resources from Open Space to hire consultants to assist with the Greenprint.

CHAIR JOHNSON: Hire consultants to assist with the Greenprint that will go to the Commission, or are you just doing it separately?

MS. LALLO: Doing it...doing it separately.

CHAIR JOHNSON: Oh.

MS. LALLO: And providing that resource to the Committee.

CHAIR JOHNSON: Okay. I see.

MS. LALLO: I see that Jordan's hand is up.

CHAIR JOHNSON: Director Molina?

MR. MOLINA: Thank you, Chair. I just wanted to share some background on the past efforts on the Greenprint. When the Committee was meeting under the previous Administration, what we found ourselves struggling with is avoiding a duplication of services. And so, there's a lot of entities across the State and within the County that touch Open Space and land acquisitions. There's a lot of existing documentation, notably community plans, that direct already prioritization for some of these acquisitions. And so, one of the things that we kind of talked about needing was more or less a strategic plan on how the Conservation Planning Committee was going to leverage these existing mechanisms to not duplicate efforts. Because one...one great example is the program under the State DLNR with their land acquisition. That's a very robust program already. And so, that's where we found ourselves in the discussion of how to organize the Greenprint. Because we wanted to...I mean, it's...just to think about the amount of funding we would need...we didn't want to just make it all County funding, right? So, we wanted to try and leverage those systems. And unfortunately, the amount of staff we need to work on those matters outside of the Committee meetings--I mean, you guys know how much staff it takes to run Council and Committee meetings, and that was just never built up yet for the work that...and the responsibilities that the Conservation Planning Committee was charged with.

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CHAIR JOHNSON: Yeah.

MR. MOLINA: Thank you, Chair.

CHAIR JOHNSON: Thank you. It just...I mean, are we spinning our wheels here? It just seems like we got the same problems over and over again. Let's take a recess, Members. I'm getting a little frustrated with this process. So, it's 10:23. Why don't we do a ten-minute break until 10:33, okay? The...the ADEPT Committee is in recess until 10:33. . . .*(gavel)*. . .

**RECESS:** 10:23 a.m.

**RECONVENE:** 10:35 a.m.

CHAIR JOHNSON: . . .*(gavel)*. . . Will the ADEPT Committee of 3/20/2025 come back to order from our recess. Cooler heads have prevailed. The time is now 10:35. Okay, Members. You know, I really appreciate Cynthia Lallo's statement, that she will...going to...they're going to go for it. They're going to try to meet the 120 deadline. They got new staff members. And Ms. Lallo, if you're still on the call, I...I really appreciate you saying that, and I think it...it gives...I want...I want to believe that this can happen, so I'm going to...I'm going to...I'm going to see if we can make this happen today, all right? So, does anybody else have any questions, comments, concerns as we move on? And just to remind everybody, we do have to leave about 11:20 to get ready for the upcoming meeting, okay, Members? So, is that--I hope that's enough time for us to actually have a valid discussion and make...and take the vote if we can. What do you folks think? Okay. So, does anybody have any...any comments, questions, concerns? Councilmember U'u-Hodg...or Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Yeah. Thank you. So, if --

CHAIR JOHNSON: Mic, please?

COUNCILMEMBER SUGIMURA: Oh, can't hear me?

CHAIR JOHNSON: Just put it a little closer.

COUNCILMEMBER SUGIMURA: So, if you could ask Deputy Director Kawasaki, if you could then make--explain again what you said about the 120 days?

CHAIR JOHNSON: Deputy Director?

MS. KAWASAKI: Thank you, Chair. With regard to actions by the Council, we do not recommend that you incorporate time periods that are not consistent with what appears in the Maui County Code or any other law. Thank you.

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COUNCILMEMBER SUGIMURA: So, therefore--if I could continue on with that--so therefore, the 120 days that appears in this resolution is what we have to stick with because that's what's in Maui County Code?

MS. KAWASAKI: Yes.

COUNCILMEMBER SUGIMURA: Oh, okay. I see --

MS. KAWASAKI: And I'm not saying that you have to, but it is not recommended that you select a date that does not...is not consistent with what is in the County Code because the County Code actually prevails. The County Code is what tells you, legally speaking, what the law is, and what the obligations of that particular committee are.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR JOHNSON: Um-hum.

COUNCILMEMBER SUGIMURA: Okay. Thanks for that clarification.

CHAIR JOHNSON: Sure.

COUNCILMEMBER SUGIMURA: Another question. So, as I expressed in the discussion portion, I have a concern about the people who are going to be impacted who are private citizens and what effort was done. I don't know how you include that in the reso. I mean, I wrote something up, but I don't know if --

CHAIR JOHNSON: Yeah.

COUNCILMEMBER SUGIMURA: -- that is something that we can then include, or is it not appropriate, is it too late? Oops.

CHAIR JOHNSON: So, I mean, we could maybe put in--you...you said you had some language? If you got some language, we can find a place to put it into the reso to say...to notify...make sure that they're all notified, the landowners or the TMK owners. Is that where you're going?

COUNCILMEMBER SUGIMURA: Yeah. So...so, what I did put in as one of the be it resolved that it --

CHAIR JOHNSON: If you could just take the mic a little closer, we can all hear. I'm sorry.

COUNCILMEMBER SUGIMURA: In one of the be it resolved, that the Conservation Planning Committee notify each private landowner impacted by this Maui County Wetland...that would be impacted by the Maui County Wetland Map, along with information on what does it mean to be included in the map, right? Because the concern that I received was, does it then hinder me from using my property the way I want to now that it has like a

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special designation? You know, so just education of the public. And then also, the education on how to be removed from this map.

CHAIR JOHNSON: So...oh, I see --

COUNCILMEMBER SUGIMURA: I added that.

CHAIR JOHNSON: -- Director Molina's hand's up. Maybe he can respond.

COUNCILMEMBER SUGIMURA: Oh.

CHAIR JOHNSON: But I hear where you're coming from.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR JOHNSON: Director Molina?

MR. MOLINA: Thank you, Chair. Respectfully, I would push back against making that a task of the Conservation Planning Committee, and rather, it should be the duty of the administering department, which in this case, is the Planning Department, to perform those functions. And they have staffing --

COUNCILMEMBER SUGIMURA: Oh, okay.

MR. MOLINA: -- and do these types of outreach regularly, and it's their product. The Conservation Planning Committee would be limited just whether we would acquire those or not, and I'm not clear whether it is the explicit policy to just go out and acquire wetlands.

COUNCILMEMBER SUGIMURA: Um-hum.

MR. MOLINA: And if so, then...I mean, I don't know what the recommendation would be, other than go acquire it. Thank you.

CHAIR JOHNSON: Councilmember Sugimura, would you be okay to change --

COUNCILMEMBER SUGIMURA: Yep.

CHAIR JOHNSON: -- it to Planning Department instead of --

COUNCILMEMBER SUGIMURA: Yep.

CHAIR JOHNSON: -- the Conservation Planning Committee?

COUNCILMEMBER SUGIMURA: I appreciate that clarification.

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CHAIR JOHNSON: Okay.

COUNCILMEMBER SUGIMURA: It makes sense.

CHAIR JOHNSON: Councilmember Paltin?

COUNCILMEMBER PALTIN: Thank you. I just would say like, you know, in Member Cook's Committee, we did the flood hazard areas, and that's based on science similar to like what Ms. Knox was saying. And...and we just did that where, you know, you're going to have extra requirements because of the natural situation, sometimes not manmade or whatever, but it's no different, I don't think. You know, if you're in a 100-year flood area, now you got to get a civil engineer, you got to design your house better, you got to get a flood permit--\$440, however much a civil engineer costs. But the outcome is hopefully when that next flood comes through, you're not like underwater, dealing with mildew, mucking out mud, and stuff like that. It's...it's not something like we're like oh, picking and choosing and what, it's because of...supposed to be because of science, you know?

CHAIR JOHNSON: Um-hum.

COUNCILMEMBER PALTIN: And...and if we're going to do that for flood hazard areas, a flood hazard area is not that dissimilar from a wetland area, you know? So, I...I don't...I don't understand necessarily the picking and choosing of who we come to the aid of, or are we sending a letter out to 1,000 Lahaina residents, you know?

CHAIR JOHNSON: Um-hum.

COUNCILMEMBER PALTIN: We're not offering them that opportunity once they've been through this huge, tragic, traumatic event. So, I'm...I'm just saying, let's treat people equally.

CHAIR JOHNSON: Yeah. Okay. Councilmember Tom Cook.

COUNCILMEMBER COOK: Thank you, Chair. I think that the --

COUNCILMEMBER SUGIMURA: His mic is off.

COUNCILMEMBER COOK: -- the work that the Public Works Engineering Department for the upgrading or the...getting current with the FEMA flood standards, and they're pretty much ex...pretty extensively expanding the flood mitigation map, which is really relating to construction standards in those areas, which is actually going to limit construction in those areas. It's not going to prohibit, but it's going to make it significantly more expensive for people to build, and less desirable. It's going to point out--clarify to people, this is not a great place to build.

CHAIR JOHNSON: Yeah.

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COUNCILMEMBER COOK: So, I know that the--it's sort...I'm just saying, this is sort of like interwoven with the objective of this particular bill, that there's work in progress to identify and minimize people developing in these areas. So, I just want to point that out, that it seems like there's a few things in play that are all relating to this, and...

CHAIR JOHNSON: Okay. Councilmember U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you. I agree with Member Paltin and Member Sugimura. I think the...the FDPs are quite similar to this notification, except that this is regarding appraisal and potentially acquisition, which the...the flood permit does not. The flood permit just adds another layer of security, which I hope this would do as well, except the flood permit does not flirt with the idea of acquisition of land. I'm hesitant to be completely optimistic in that the Administration is going to start having the Conservation Committee meet tomorrow or whenever. I don't disagree. I completely agree that this is probably the grea...greatest place to have this conversation. But to your point earlier about having the scientists have this discussion, I agree with. That's how we are going to get the best information, except none of those people are on the Committee. In talking to Vernon, he's...he's unsure if they even have quorum. So, if we do the 120 days, even if the Administration gave...says, okay, guys, let's meet tomorrow, can they meet tomorrow? Do we need to put more people on this Committee for them to meet tomorrow --

CHAIR JOHNSON: Yeah.

COUNCILMEMBER U'U-HODGINS: -- and what's that process for us to ensure that we are getting the best possible information in making our decision later? I'm just wondering if maybe we should hold on to this for a little bit, and stack that Committee with the relevant people we need to make the best decision possible, and then send it down to them if we can't change the 120 days.

CHAIR JOHNSON: Well, it's in the hands of the INB, right? That's...that's the frustrating part is, we're getting...we're getting jammed up over that...that system that is not allowing us to move forward, especially when there's Code here. Go ahead.

COUNCILMEMBER U'U-HODGINS: I agree.

CHAIR JOHNSON: You wanted to add?

COUNCILMEMBER U'U-HODGINS: And you know, now that we're having this discussion--so, Member Paltin said that this was former Member Don Guzman's idea, and so that would mean do we have more power to put people on this Committee? Do we have to go through the INB? Can somebody ans...ask...answer that for us? What is the quickest way we can staff up the INB and get all of those people on? Do they go through the INB, then the Mayor, then to us? And then I would be happy to, in the GREAT

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Committee, expedite staffing of this Commission, and then...and then sending this down so that they can actually meet their deadline.

CHAIR JOHNSON: Deputy Corporation Counsel, did you have something to add? Oh, Cynthia Lallo's got her hand up. Thank you for that. Ms. Lallo.

MS. LALLO: Uh-huh. Thank you, Chair, and thank you for that question. A really good one. This is a committee. It's not a board or commission, so it doesn't fall under the same...the same rules with the INB.

CHAIR JOHNSON: So, does that mean Councilmember U'u-Hodgins can put it in her Committee to put people on there? Is that what you're saying?

MS. LALLO: So, the--in the County Code, it outlines who needs to sit on this Committee, and so with that...with that reference, then yeah, I think we can have a conversation and...and talk about who to put on this Committee. I will--obviously, I'm not an attorney. I will . . .*(laughing)*. . . defer to Corporation Counsel on this, but from my understanding, we can sit down and have a conversation and staff this Committee up.

CHAIR JOHNSON: Okay. Ms. Kawasaki, do you want to respond to that?

MS. KAWASAKI: Thank you, Chair. I am looking at the Code provision right now. I'm not prepared to respond --

CHAIR JOHNSON: Okay.

MS. KAWASAKI: -- immediately, but I'll be looking at it as you are speaking.

CHAIR JOHNSON: Okay. Oh, Director Molina.

MR. MOLINA: Thank you, Chair, for the opportunity. I just wanted to share kind of...moving over the staffing challenges and understanding, or reaffirming what is the Commission's duty. It's to guide acquisitions, and the premise for it is we were buying...the County was buying all these Open Spaces with land without a plan. And I feel we still are in that place where we don't have the right agencies designated to handle and manage these lands, and I would push back that it's not the land manager. The land manager's not going to start taking over roads, he's not going to start taking over parks, he's not going to start taking over fire stations, et cetera. So, the question of whether to buy and the responsibility for a land management plan is really to stem that challenge of acquiring all these lands that we had no plans for. So, now, back to this bill, right? One of the frameworks we're working under is this zoning regulation to control activities on those lands. And that doesn't necessarily have to involve acquisition --

CHAIR JOHNSON: Right.

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MR. MOLINA: -- unless we feel that the framework doesn't work. So, there's going to be kind of this discussion about which agency really has a need for those lands as the recommendation. And so, from Public Works, I can tell you major drainageways, which we handle, the flooding issues are going to be my priority to look at. And private property, to me, should stay private because we can get help from those owners to manage those lands, as opposed to be all on the County's back to handle it. So, I just wanted to share those comments. Thank you, Chair.

CHAIR JOHNSON: It...it's good comments you're making, Director Molina. So, in the be it resolved section of the Code...of the reso, number 3, that it further requests the Conservation Planning Committee to consider recommendations for action, including appraisal, acquisition, management planning, conservation easements, change in zoning under Wetlands Overlay District, and other actions that seems appropriate. So, it's not only this fear of we're going to go buy your private lands, you know, we...we're going to work together with you. You know, if there's fencing that you need, if there's, you know, things that we--you know, the...the easements and all those things that...that was just listed, that...that might help a landowner, you know?

MR. MOLINA: Yeah. Again, that's outside the purview of the Conservation Planning Committee, which was to guide acquisitions under the Open Space Fund. Thank you, Chair.

CHAIR JOHNSON: Um-hum. So...that is something that I think would...would help the...the...the--what we're really trying to get here is the flooding, and the...the land, you know, just pouring...the run...the runoff. You know, we're trying to make these wetlands, you know, protected and functioning as int...as nature intended. So, I think that's something that those folks on that...on that Conservation Planning Committee, they're the experts, they're the ones who would have a say. Because again, I don't want the politics involved in this, you know? The...the Council's taking our land kind of thing...that doesn't...that doesn't help our community. You know, what...what does help is them not standing in four feet of water in their house that they built, right? That's what we're trying to do. If there are parcels of land that are for sale, they can look at that and say, hey, look, that's something that's a high priority and it's for sale. It guides this way of purchasing land. That's for sale. If some folks don't want to sell, that's...that's fine, but some folks do want to sell, and it...it would be smart for us to say, that's a high priority parcel of land that we could buy and protect or, you know, keep it an Open Space, or, in fact, regenerate it and make it nice, you know, the...the--so it does act as intended. Councilmember...Councilmember Sinenci.

VICE-CHAIR SINENCI: Mahalo, Chair. I just wanted to check with Director Molina. Does...are there any State properties or County properties that are within some of these flood areas, wetland areas?

CHAIR JOHNSON: Director?

MR. MOLINA: Yeah. I mean, our roads. South Kihei Road. Perfect example.

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VICE-CHAIR SINENCI: Yeah. I'm...I'm just looking at other State properties or--you know, beside the road, or within some of these areas that we could be working with the State as well.

CHAIR JOHNSON: Director?

VICE-CHAIR SINENCI: You don't see any big swaths of...of land, State lands?

MR. MOLINA: I...I'll go back to what Ms. Knox mentioned, as far as we don't have that entity that ties it all together. This--the Conservation Planning Committee is just an advisory group. Once the meeting adjourns, there's nobody there to carry the ball forward, and that's the problem, in my opinion. Thank you.

VICE-CHAIR SINENCI: Okay. Thank you. And then Chair, I would just want a request of Ms. Lallo, since she's bringing ano...another staff person on, if we could maybe send a letter to those ex-officio members that had termed out, and to see if they're willing to also...you know, just to try and streamline this process, if they're willing to serve another two term...two-year term, Chair.

CHAIR JOHNSON: Miss...Ms. Lallo, are you on the call?

MS. LALLO: I am. Thank you for that question. Of course, Councilmember Sinenci. We can do that.

VICE-CHAIR SINENCI: Thank you.

CHAIR JOHNSON: Ms. Lallo, since you're on the call, how confident are you that we...we can move forward with this? I know--I heard you say it. I just want to hear you say it again.  
...*(laughing)*...

MS. LALLO: ...*(laughing)*...

CHAIR JOHNSON: ...*(laughing)*...

MS. LALLO: What I can say, Councilmember Johnson, is that we will do everything within our power to push this forward. Like I said, we have assigned not one, but two people to this. Obviously, it's not all they do. It's, you know, many things happening. But two people to make sure that we can hammer this through.

CHAIR JOHNSON: Okay. Hammering it through, Members. What do you think? Do you think we can...we can vote on this today? All right. It sounds like we're ready to vote. The...the Chair will entertain a motion to recommend the adoption of Reso...Resolution 25-54.

VICE-CHAIR SINENCI: So moved.

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COUNCILMEMBER PALTIN: Second.

CHAIR JOHNSON: Moved by Vice-Chair Sinenci, seconded by Councilmember Paltin. Discussion. Councilmember Sugimura, do you want to use that amendment? Okay.

COUNCILMEMBER SUGIMURA: So, I think the--what I'm gathering from what Director Molina said, I think even if we do this, the problem is that there's nobody in Administration who's taking the lead. I...I don't know if it's Planning is supposed to take the lead. So, we're going to do this, but for what? You know, unless if somebody is...and...right?

CHAIR JOHNSON: Well, luckily --

COUNCILMEMBER SUGIMURA: But I'll--I mean --

CHAIR JOHNSON: -- we have some --

COUNCILMEMBER SUGIMURA: You can add my...you can add my amendment, but it still doesn't get us there. Request the Planning Department.

CHAIR JOHNSON: That's...that would be number 6 in the be it resolves --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR JOHNSON: -- Staff, the Planning Department must educate and notify landowners. Is that what your amendment was?

COUNCILMEMBER SUGIMURA: Yeah. Yeah.

CHAIR JOHNSON: Staff, do you have that? So, that's her motion to amend. Do we have a second for that amendment?

COUNCILMEMBER U'U-HODGINS: Second.

CHAIR JOHNSON: We have a second from Councilmember U'u-Hodgins. Discussion, Members? Okay. Councilmember Sugimura, no more discussion? What you said was --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR JOHNSON: -- enough? Okay.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR JOHNSON: Let's call for the question --

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MS. MCKINLEY: Pardon me, Chair.

CHAIR JOHNSON: Oh.

MS. MCKINLEY: Would that be to notify the landowners of the CPCs convening?

COUNCILMEMBER SUGIMURA: No. Oh, those that are involved in the map.

MS. MCKINLEY: Okay.

COUNCILMEMBER SUGIMURA: Who are being included in the map.

CHAIR JOHNSON: The parcels in the map? Is it...

COUNCILMEMBER SUGIMURA: Right? Because that's the problem we're hearing from people...like private properties that are being included in the map, and they don't even know what's going on.

CHAIR JOHNSON: Staff, do you have that? Councilmember Sinenci.

VICE-CHAIR SINENCI: Just checking, would that be of the...the Conservation Committee or the Planning Comm...

CHAIR JOHNSON: Planning's.

VICE-CHAIR SINENCI: Okay. Got it.

CHAIR JOHNSON: Planning Committee.

COUNCILMEMBER SUGIMURA: Planning Department, I think, is what --

CHAIR JOHNSON: Planning Department. Because the --

VICE-CHAIR SINENCI: Okay.

COUNCILMEMBER SUGIMURA: What --

CHAIR JOHNSON: -- the...the conservation guys --

COUNCILMEMBER SUGIMURA: -- Director Molina --

CHAIR JOHNSON: -- only have the capacity...

VICE-CHAIR SINENCI: Okay. Thanks.

COUNCILMEMBER SUGIMURA: Yeah.

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MS. MCKINLEY: So, if I may clarify.

CHAIR JOHNSON: Go ahead.

MS. MCKINLEY: So, that would be to have Planning notify the landowners --

COUNCILMEMBER SUGIMURA: Private landowner.

MS. MCKINLEY: -- the property owners of the parcels on the map of the Planning Committee...Conservation Planning Committee's convening to consider further action?

CHAIR JOHNSON: How's that sound, Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: I...I believe that it's...they don't need to know that the...there's going to be a convening of a...of a meeting or...of the Commission. I think they just need to know that their property is being considered to be part of this map, and there's still a disconnect.

CHAIR JOHNSON: Okay.

COUNCILMEMBER SUGIMURA: Yeah. So, I want somebody to notify all these people, whether it is sending out a thousand letters or --

CHAIR JOHNSON: Okay.

COUNCILMEMBER SUGIMURA: -- whatever. I don't think it's that much, but --

CHAIR JOHNSON: Before I call on some hands, Staff, do you have that? Okay. Okay. Chair Lee, followed by Councilmember Paltin.

COUNCILMEMBER LEE: For the record, could you state what the ramifications are if a person's name is placed on this map? I mean, for instance, are there any inherent restrictions placed upon the person, or anything like that, so people aren't concerned that there's something, you know--not hidden necessarily, but something that is not clear to them exactly why we're doing this if it's--and--if it's going to affect their property? Okay.

CHAIR JOHNSON: Okay. Let's...let's see if Corporation Counsel...Corp. Counsel, do you--because...it's just...we're just sending it to Planning...the...the Conservation Planning Committee. They'll discuss which ones are...they would recommend us to do something about. What we decide to do will be up to us. So...

COUNCILMEMBER LEE: All right. I just wanted to make sure so that when I --

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CHAIR JOHNSON: Okay.

COUNCILMEMBER LEE: -- get the...the letters, I can respond that way. . . .*(laughing)*. . .

CHAIR JOHNSON: Okay. And Corporation Counsel, did you want to add anything to that?

MR. NELSON: I would...I would just say I agree, Councilmember Johnson, with your assessment of how that would work. But you know, it...the Council could probably anticipate that the affected landowners who appear on the map, you know, see that as a preliminary step to their properties perhaps being placed, you know, by Council or otherwise, in a Zoning Overlay District that may impose additional restrictions on their use of those properties. Thank you.

CHAIR JOHNSON: And just to remind you--everybody--the map's already made. It's in Granicus, right? So, just letting...you know, keeping the eye...eye on the ball here. Councilmember Paltin.

COUNCILMEMBER PALTIN: Yeah. If it's not going to be tied to the Conservation Planning Committee thing, I don't think it's appropriate because...I mean, it sounds like Ms. Sugimura wants to just let people know that they've been placed on a map, and that happened --

CHAIR JOHNSON: When we made the --

COUNCILMEMBER PALTIN: -- a while back.

CHAIR JOHNSON: Right.

COUNCILMEMBER PALTIN: So, if we're going to tie it to the Conservation Planning Committee, that should be its own resolution or request. Because this resolution has to do with the--it's going to be confusing for folks. Like I was placed on a map when, you know, and what? Like, it's...to me, it's opening a can of worms.

CHAIR JOHNSON: Um-hum.

COUNCILMEMBER PALTIN: Are we doing the same thing for the flood hazard area when...when the flood hazard area gets delineated? Are we going to send a letter to everyone and say, oh, now you're in a flood hazard area and blah, blah, blah, blah, blah. I'm...I'm not opposed to it, but let's be consistent, you know? You can always call up everyone on the map and say, hey, you're on this map. It came out at such and such a time, and the next step is, we're going to send it to the Conservation Planning Committee for a recommendation, nah, nah, nah, nah, nah, nah. But if we're not going to mention the Conservation Planning Committee in the letter, then it...it has no relation to this resolution. It's tied to some action from last year, which can be done separately, you know?

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CHAIR JOHNSON: Councilmember Sugimura, what if we just asked the Planning Commission [sic], just write a letter to those guys and keep it out of the reso? Because it...yeah.

COUNCILMEMBER SUGIMURA: The Planning Department?

CHAIR JOHNSON: The Planning Department. I know we want the Planning Department to do it, and we could ask...we could send a letter to them to send a letter to all the folks. Because if we put in the reso, like what Councilmember Paltin is saying, it does get a little confusing.

COUNCILMEMBER SUGIMURA: So, this...this is telling me then that what I asked before was --

CHAIR JOHNSON: Planning Department.

COUNCILMEMBER SUGIMURA: -- never done, right?

CHAIR JOHNSON: Pardon me?

COUNCILMEMBER SUGIMURA: What I asked, well, before was never done, and then this whole process has proceeded. You still have people who have been included that were not notified. That's what this is telling me. But I...could I ask Director Molina to comment on where we're going?

COUNCILMEMBER COOK: His...his hand's up.

CHAIR JOHNSON: Director Molina, go ahead.

MR. MOLINA: Thank you, Chair. Thank you, Member Sugimura. I just wanted to clarify that, you know, this wetland overlay comes out of Chapter 19.47, Ordinance 54-21, and it's creating confusion, I think, because we're taking the provisions of that ordinance and hopping over to Conservation Planning Committee without even completing what's been started under the Wetlands Overlay District. The discussion of--to acquire, to me, is a separate parallel issue from getting this wetland mapping resolved, clarified, adopted, and getting this ordinance in place because if the ordinance is in place, it guides where we have more problems, and where acquisition becomes more paramount that would fall within the Conservation Planning Committee's purview. So, you know, like they said, to...to send a reso to Conservation Planning Committee and then trying to point back to Planning, I think, really the...the issue is we're--just deal with the Chapter 19.47, get that solidified, and then we can talk about where we should be acquiring lands. Thank you, Chair.

CHAIR JOHNSON: Yeah. And I'll just also add to when the...when the map was made, there were letters sent out to all the people back...back in it. That's why I remember you guys might recall, a lot of people coming, like, what...well, I got a letter, what does this mean?

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COUNCILMEMBER SUGIMURA: Hold on.

CHAIR JOHNSON: And that...that was what...what happened when it was...when...when the map came out. And I think that...there was a reso attached to it, and I think that was...you know, out of my Committee, we sent a lot of letters to people to inform them. So, it was done on the original map. Now, you want to do it again. That's the part that --

COUNCILMEMBER SUGIMURA: Oh, no. I think...I...I gave up that idea.

CHAIR JOHNSON: Okay. . . .*(laughing)*. . .

COUNCILMEMBER SUGIMURA: . . .*(laughing)*. . .

CHAIR JOHNSON: All right. So, do you want to pull your res...

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR JOHNSON: -- amendment out back?

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR JOHNSON: Okay.

COUNCILMEMBER SUGIMURA: Take it. Delete.

CHAIR JOHNSON: So, we...we got hands. It's 11:03.

COUNCILMEMBER COOK: Question?

CHAIR JOHNSON: Go ahead, Councilmember Cook.

COUNCILMEMBER COOK: I...I just wanted clarification because it's...are we blending wetlands and Open Space in this...on this map? Are these just...are these all wetland issues that address whether they are wetlands and whether it's...they deserve preservation, and what the mechanism and the procedure would be, or are some of these also Open Space issues? Because the previous extensive...extensive maps that were done, part of the conversation was, this isn't only--some of these aren't wetlands.

CHAIR JOHNSON: Right. That...that is the debate. Well, my understanding, they were under...under wetlands, but we can ask Director Jordan Molina because he's also on the...on the...on the call. But it was Wetlands Inventory Map is...is the term, so it's wetlands, right? Not Open Space. Okay. Chair Lee.

COUNCILMEMBER SUGIMURA: There's Director Molina.

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COUNCILMEMBER LEE: I'm having...I'm...I'm having difficulty trying to decide on this because I think Director Molina raises some good points and--which gives me pause about pushing this forward. I...I mean, if anything, the only area that has really been studied is South Maui, right?

CHAIR JOHNSON: Um-hum.

COUNCILMEMBER LEE: So, you know, I...I...we always get scolded for sending things to the Planning Commission without any direction to the Planning Commissioners. And I think we're asking this Committee, who doesn't even meet, for their expert opinion on a very serious matter, and I don't know that they're entirely qualified to do the job. So, I...I have all these questions in my mind. That's all I'm saying. Thank you.

CHAIR JOHNSON: Okay. . . .*(laughing)*. . . Well, I know that what Councilmember Tom Cook was asking in regards to the Open Space--you know, the Open Space Fund can be used to acquire the wetlands. Maybe that's the little gray area, because that's how they would purchase some of those lots, right?

COUNCILMEMBER COOK: I...I guess my thought was...and it kind of just said...Ms. Knox as well as Director Molina, are some of the areas that are full of sediment, whether they were...they were previously wetlands, they could be wetlands? Are they...are they going to be improved to be wetlands? Again, do they need a grading permit to do that? I'm just saying that the land use of these different parcels, if someone's...it didn't seem like a lot of them are wetlands, but then I'm learning it was a wetland, it could be a wetland, and I want to know if that's how that works.

CHAIR JOHNSON: And you said you wanted to ask Ms. Knox that question? Okay.

COUNCILMEMBER COOK: Would you remove sediment from an existing area to have it be a more functioning wetlands, and then do you need a grading permit? What's the process for that?

CHAIR JOHNSON: Ms. Knox?

MS. KNOX: Aloha. Thank you for the question, Mr. Cook. So, these areas are wetlands by virtue right now of their meeting two of the criteria under the County ordinance. There are some adjustments, I would say. We probably all would have some adjustments to those maps, so that's an ongoing process. I would not be the person to answer whether grading or other kinds of permits are required --

CHAIR JOHNSON: Ms. Knox --

MS. KNOX: -- but --

CHAIR JOHNSON: -- I see Director Molina's hand up.

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MS. KNOX: -- that --

CHAIR JOHNSON: Maybe he could respond to that --

MS. KNOX: Yeah.

CHAIR JOHNSON: -- section.

MS. KNOX: Yeah. They...they --

CHAIR JOHNSON: Okay.

MS. KNOX: -- are wetlands though. The...that's the main point I wanted to make.

CHAIR JOHNSON: Okay.

MS. KNOX: And...and I do...I do think we need to make sure we get the right people addressing...you know, with the right qualifications addressing this.

CHAIR JOHNSON: Okay. Director Molina?

MR. MOLINA: Thank you, Chair. Again, I think the Committee is missing the target here. The overlay map comes from the overlay ordinance, Chapter 19.47. That is your primary mechanism for regulating the activities on wetlands, and ensuring that those functions desired in that ordinance are being met. That does not require an acquisition by any means. So, to fast forward and jump over implementation of the ordinance, to just say we should go talk about buying everybody's land, I think, is not appropriate and not practical because we don't have that kind of money.

CHAIR JOHNSON: Um-hum.

MR. MOLINA: And so, we need to use cheap tools like regulations on land activities first before we just go out and start buying...or recommending to buy things. And through the implementation of the ordinance, we'll get a sense of which properties have more problems than others that would rise to the level of acquisition. But to just say to go talk about acquiring everything now, I don't think is the right first step. Thank you, Chair.

CHAIR JOHNSON: Um-hum. Well, Members, it's another tool in the toolbox. Do...11:09. Go ahead, Councilmember U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you. I'm just a little bit confused. Okay. Can Member--I'm sorry, can Director Molina clarify what he means about the implementation of the ordinance?

CHAIR JOHNSON: Director?

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MR. MOLINA: Yeah, so the...the ordinance defines what is a wetland. The wetland got developed. Once you zone property into the wetland, then they're subject to the regulations of the ordinance. So, I mean, I would encourage the Committee to review what the ordinance says and --

COUNCILMEMBER U'U-HODGINS: Yeah.

MR. MOLINA: -- establish what regulations it establishes to understand how that tool's going to work once you implement the rest of this provision by enacting the map. Thank you.

COUNCILMEMBER U'U-HODGINS: Okay. Thank you for that. Earlier I brought up my uncle, and he was aware of the map from the get-go, but to his understanding, it was for rules and regulations. But this reso discusses acquisition, which is what he was concerned about. And Director Molina just kind of said a similar thing. So, I'm wondering if we're moving acquisition from your be it resolved number 3 would probably make me feel a little bit comfortable, one. Maybe Member Sugimura might be a little bit more comfortable with that as well, and so would the affected landowners. I don't think anybody is concerned about following rules and regulations to ensure that everybody is safe, but like I said, this resolution flirts with the idea of property acquisition. Not that it's not okay in some instances, but for the most part, I don't know if we're there yet. And then separately, as I mentioned earlier, I'm a bit uncomfortable sending this to a committee that, in my opinion, hasn't been meeting, and we're giving them a timeline. So, I'm not comfortable supporting this today. Not that I'm not comfortable supporting it, period, I would just like a little bit more, I guess, assurances that we're sending it to a committee that actually can do the work. And so, I'm waiting to hear from Deputy Director of OCS and see how we can navigate this before I feel comfortable sending it over. Thanks, Chair.

COUNCILMEMBER SUGIMURA: Agree.

CHAIR JOHNSON: Okay. I understand what you folks are saying. The...you know, the...the fact that it is a tool in the toolbox, and we...we're not going to...we...just like Director Molina said, you can't go out and just buy it all, right? But if there are sellers, we should be considering that. Oh, my goodness, they're...they're going to sell...sell their parcel? Let's act. And this is why we would send it to the...the Plan...the Conservation Planning Committee, because they're going to--Commission. They're going to be the ones who are really looking at getting in the weeds. It's 11:12. Members, I think the...I'm getting the vibe it...we should defer it and come back, but I...I...you know, the...the longer we wait, the...the...the water doesn't care if we... . . . *(laughing)*. . . they don't care about our dilemma, right? The storms don't care that we're in a bit of a kerfuffle here, right? We...it's going to happen again, flood's going to happen again, wetlands are going to get destroyed again. It's just something that I always want to act with some urgency on. But I...I can...I get the vibe that you folks want to defer this, so--I see your hand up, Councilmember Sugimura.

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COUNCILMEMBER SUGIMURA: Yeah. Thank you. I agree. We're not ready. And especially, Director Molina, right, he's giving us insight. And I tell you, he used to work at OCS, so whenever he says stuff, I--he can go in-depth that a lot of directors don't know because they haven't had quite that experience. So, he's telling us that we're looking at the wrong ordinance, or we should incorporate, so can...can OCS or whoever drafted the reso look at 19.47 regarding wetlands and see how that ties into this? He says that's who should be making the...or that's where we should get direction --

CHAIR JOHNSON: Okay.

COUNCILMEMBER SUGIMURA: -- so we're not doing the wrong...going down the wrong rabbit hole.

CHAIR JOHNSON: I...I don't necessarily agree with Director, but we do have a motion on the floor, right? So, we...we might...we have to move...take the motion off the floor. But I saw your hand up there, Vice-Chair Sinenci.

VICE-CHAIR SINENCI: Thank you, Chair. And I'm supportive of what the Chair recommends. And mahalo for bringing this urging resolution up. If anything, you know, you always say, you know, act like your hair's on fire, so I'm glad that Ms. Lallo and the rest of the Conservation, we heard that, and...and the Administration is working hard to...to push this...the Conservation Committee back to work. But I, too--especially hearing from the environmentalist, Ms. Knox, every time we do have a flood down in South Maui, I know Member Cook and Director Molina has been working really hard whenever that happens. So...and we also...our next meeting is going to be cuts--cuts to climate change, cuts to science--and so having a scientist part of this discussion, I mean, it shows our commitment as a County to including all of these, you know, pono actions when it comes to environmental stewardship. So, again, I'm...I'm supportive of pushing it through, Chair.

CHAIR JOHNSON: Okay.

VICE-CHAIR SINENCI: Thanks.

CHAIR JOHNSON: Would you mind withdrawing your motion?

VICE-CHAIR SINENCI: Yeah, I'll withdraw it.

CHAIR JOHNSON: And Councilmember Paltin, would you mind withdrawing your second? Okay. We...we have a next meeting come...coming up here, and with...without objection, I'll defer this item.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**ACTION: DEFER pending further discussion.**

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CHAIR JOHNSON: And I think this was a good discussion, Members. You know, we do got to...we do have to act with some emergency coming up here, and I...I'll try my best to bring this up again and we'll discuss it again. So, Staff, do we have anything before us before we adjourn the meeting?

MS. MCKINLEY: No, Chair. No further business. Thank you.

CHAIR JOHNSON: Okay. The time is now 11:15, and the ADEPT Committee is concluded...no, what do I say? It's adjourned. Thank you. . . .*(gavel)*. . .

**ADJOURN:** 11:15 a.m.

adept:min:250320:crp:lt

Transcribed by: Logan Tsuji

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CERTIFICATION

I, Logan Tsuji, hereby certify that pages 1 through 45 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 16th day of April 2025, in Wailuku, Hawai'i



Logan Tsuji