

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE

Council of the County of Maui

MINUTES

June 29, 2022

Online Only via BlueJeans

CONVENE: 9:00 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Kelly Takaya King, Chair
Councilmember Shane M. Sinenci, Vice-Chair
Councilmember Gabe Johnson
Councilmember Alice L. Lee
Councilmember Michael J. Molina
Councilmember Tamara Paltin
Councilmember Yuki Lei K. Sugimura (in 9:06 a.m.)

STAFF:

Brittney Sunderland, Legislative Analyst
Wilton Leauanae, Legislative Analyst
Jocelyn Moniz, Committee Secretary
Pauline Martins, Committee Secretary
James Forrest, Legislative Attorney
Jean Pokipala, Council Services Assistant Clerk
Lenora Dinneen, Council Services Assistant Clerk

Angela Lucero, Executive Assistant to Councilmember Paltin
Axel Beers, Executive Assistant to Councilmember King
Christi Keliikoa, Executive Assistant to Councilmember Paltin
Daniel Kanahale, Council Aide, South Maui District Office
Davideane Sickels, Executive Assistant to Councilmember Kama
Dawn Lono, Executive Assistant to Councilmember Sinenci
Ellen McKinley, Executive Assistant to Councilmember King
Evan Dust, Executive Assistant to Councilmember Kama
Gina Young, Executive Assistant to Councilmember Sinenci
Jordan Helle, Executive Assistant to Councilmember Sugimura
Kate Griffiths, Executive Assistant to Councilmember Johnson
Miki Yokouchi, Executive Assistant to Councilmember Sugimura
Roxanne Morita, Executive Assistant to Councilmember Johnson
Sarah Sexton, Executive Assistant to Councilmember King
Anabelle Hernandez, Council Aide, Makawao-Paia-Haiku District Office
Christian Balagso, Council Aide, West Maui District Office
Denise Fernandez, Council Aide, Lānaʻi District Office
Mavis Oliveira-Medeiros, Council Aide, East Maui District Office

ADMIN.:

Keola Whittaker, Deputy Corporation Counsel, Department of the
Corporation Counsel
Michele McLean, Director, Department of Planning (in 10:31 a.m.)

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Erin Derrington, Planner V, Department of Planning
Jordan Molina, Director, Department of Public Works

OTHERS: Robin Knox, President, Water Quality Consulting, Inc.
and Project Manager, Save the Wetland Hui
Michael Reyes, Senior Ecologist, Maui Environmental Consulting
Cody Kokomon Nemet Tuivaiti, Project & Field Manager, 'Āinakūko'a
Brandi Corpuz, Executive Director, Rooted Kekahi me Ka 'Āina
Scott Fisher, Ph.D., Chief Conservation Officer, Hawai'i Land Trust
Genesis Young, MD.
Debra Greene, Ph.D.
Mike Moran, Kihei Community Association
Faith Chase
Cheryl Hotta
Rick Alexander
Albert Perez

Additional attendees (3)

PRESS: *Akakū: Maui Community Television, Inc.*
Kehau Cerizo, Maui Now

CHAIR KING: . . .*(gavel)*.*(inaudible)*. . . to order. It is 9:00 a.m. on June 29, 2022. Looks like we have a quorum...one, two, three, four, five, six Members here. Just ask everyone to silence your cell phones and any other noisemaking devices, and folks who are here to testify or be resources, please mute yourselves until we get to that section. Members, the revised Sunshine Law includes the following mandate. A board holding a remote meeting pursuant to this section shall not be required to allow members of the public to join board members in person at nonpublic locations where board members are physically present, or to identify those locations in the notice required by Section 92-7 of Hawai'i Revised Statute, provided that at the meeting, each member shall...each board member shall state who, if anyone, is present at the nonpublic location with the member. Please see the last page of the agenda for information on meeting connectivity. Okay, Members, roll call. We're going to start with our Chair so she can give us our very illustrious greeting today.

COUNCILMEMBER LEE: Okay, Madam Chair.

CHAIR KING: Alice Lee.

COUNCILMEMBER LEE: Thank you, Madam Chair. Today's greeting is from Jamaica, so to all of our Jamaican friends and relatives, we say, ello, everything's going to be all right, mon. And I'm here in my home office in the morning, and then I'll be in the building this afternoon. But for now, I'm home alone in my work office.

CHAIR KING: Okay. All right.

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COUNCILMEMBER LEE: I'm looking forward to your meeting, Chair.

CHAIR KING: Thank you so much, and ello, every little thing's going to be all right, man and woman. Okay. And next we'll go to our Committee Vice-Chair, all the way from East Maui, Shane Sinenci. Ello mon, and aloha kakahiaka.

VICE-CHAIR SINENCI: Aloha and ello, Chair. Gwaan mon. And we're broadcasting today from the home office. And I think...I'll check with the District Office. I don't believe we have any testifiers.

CHAIR KING: Okay, any...no one present in your home office?

VICE-CHAIR SINENCI: No, just me.

CHAIR KING: Okay. Thank you so much. All right. Next we go to Lānaʻi for Councilmember Gabe Johnson. Ello mon.

COUNCILMEMBER JOHNSON: Ello mon. Greetings Chair, Councilmembers, community. I'm alone in my office...or alone in my house on Lānaʻi. The chickens are singing, the dog is snoring, and I'm ready for a great meeting. There are no testifiers at the Lānaʻi District Office. Mahalo.

CHAIR KING: Okay. Thank you to you and your menagerie over there. . . .*(laughing)*. . . Next we'll go to Mr. Mike Molina. Ello mon, and aloha kakahiaka.

COUNCILMEMBER MOLINA: Ello, Madam Chair, and fellow Council colleagues, and everyone else joining us for our CARE meeting today. For the record, I'm transmitting out of our Pāʻia District Office over here in Heritage Hall, and I am accompanied by my two twin Anas, Ana Lillis and Anabelle Hernandez, and there are no testifiers. Mahalo.

CHAIR KING: Okay. Mahalo. And next we go to our Councilman from West Maui, ello, Member Paltin, Tamara Paltin.

COUNCILMEMBER PALTIN: Ello and aloha kakahiaka kākou gwaan Rasta. I'm broadcasting live and direct from rainy old Hilo town, where it's partly sunny, partly cloudy, surf in the one to three foot range. And I have here with me my parents, Mildred and Samuel Paltin, eating breakfast. And we have no testifiers at the Lāhainā District Office. Thank you.

CHAIR KING: Nice. Are they there from the Big Island?

COUNCILMEMBER PALTIN: I'm in Hilo.

CHAIR KING: Oh, you're in Hilo? Okay, great. All right. Thank you for joining us. And I did not hear from Councilmember Sugimura. Did anybody hear from her? Okay. Looks like she's going to be late. We have no Non-Voting Committee Members. And from the

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Administration...oh, I guess I should introduce myself. I'm Kelly Takaya King, I'm your Chair of the CARE Committee today. And we have no testifiers right now at the District Office, and that was the last word I had, but I'll just double check. Okay. All right. So, Members, from the Administration we have today Keola Whittaker, Deputy Corporation Counsel; we have Jordan Molina, Director of Department of Public Works; we have Michele McLean, who will be here a little bit later, Director of Department of Planning. I think she's...did she change? She said she would be here by 10:30, so we may have to start without her when we get to the bill. Our Committee Staff here, from Office of Council Services we have Brittney Sunderland, Legislative Analyst; we have Wilton Leauanae, Legislative Analyst; Jocelyn Moniz, Committee Secretary, thank you for being here; and James Forrest, Legislative Attorney. Also, Lei Dinneen is our Council Services Assistant Clerk for today. Members, we have one item on today's agenda. CARE-55, Bill 91 (2022) Wetlands Protection. All right. We'll begin with public testimony...do we have public...do we have testifiers this morning? Okay. Let me give you the fa-fa (*phonetic*) for testimony. All right. Oral testimony via phone teleconference or in the Council Chamber will be accepted. Testifiers wanting to provide video testimony should have joined the online meeting on the BlueJeans meeting link, which is on today's agenda. Testifiers wanting to provide audio testimony should have participated via phone conference, also on today's agenda, but I'll give you the number again, 1-408-915-6290, meeting code 470076045. Written testimony is also encouraged. Instructions on how to submit testimony can be found at mauicounty.us/testify. All right. Moving on to oral testimony. Oral testimony is limited to three minutes per item. If you're still testifying beyond that time, I will ask you to kindly complete your testimony. When testifying, please state your name. And if you're testifying on behalf of an organization or are a paid lobbyist, please inform the Committee. Please be mindful of the use of chat during the meeting. Chat should not be used to promote...to provide testimony or chat with other testifiers. If you are here to provide testimony, please be courteous to others by turning off your video and muting your microphone while waiting for your turn to testify. Once you are done testifying, you will be asked to disconnect from the call unless you are a resource person. And you're welcome to continue to review [*sic*] the remainder of the meeting on *Akakū* Channel 53, mauicounty.us, Facebook Live via the Maui County Council page, or in the Council Chambers. Participants who wish to view the meeting only without providing testimony, please disconnect at this time, or let the Staff know in the chat that you are not expecting to testify. Only Councilmembers, Staff, and designated resource personnel will be connected to the video conference meeting once testimony concludes. I remind Committee Members, Administration, and the public to please be patient if we run into any technological issues. And Members, with no further objections, I'd like to proceed with oral testimony.

COUNCILMEMBERS: No objections.

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. . . BEGIN PUBLIC TESTIMONY . . .

CHAIR KING: Okay, thank you. All right. We'll go ahead...and Brittney, will you call the first...or Wilton? Okay, can you call the first testifier, and who's following?

MR. LEAUANAE: Thank you, Chair. First testifier is Genesis Young, MD, followed by Debra Greene, Ph.D.

CHAIR KING: Aloha.

MR. YOUNG: Aloha. Can you hear me?

CHAIR KING: Yes, we can. We can hear you and see you.

MR. YOUNG: Yes, I wanted to testify in support of Bill 91 because the wetlands are a very, very important part of the natural system that catches and cleans the floodwaters that run off Haleakalā and for other reasons. Kihei used to be mostly wetland. Most of it is gone now, and the remaining wetlands are basically all owned by developers. And the development of these wetlands is inappropriate, as we should be not putting homes in flood zones. And the wetland function does not exist if you remove them and turn them into concrete channels and basins. I love that this bill would create a wetlands overlay map and protect the wetlands. I live in Maui Meadows, and we've experienced the sludge and water flooding through our neighborhood, and seen the effect it had entering the ocean because it was not held up in the wetlands because they are no longer adequately functioning. Normally the water would be held in the wetlands, and the sediment and fecal matter would be absorbed by the land, fertilizing the plants rather than killing the ocean and reefs when they're being covered by the sediment killing the coral. Our flood was back in December, and the dirt still remains on the ocean floor and continues to get suspended with every swell and wave, and the water is cloudy, and there are fewer crabs and fish, in my opinion. If the wetlands had been present and functioning properly, this would have been much reduced, catching all the sediment and fecal matter from deers and pigs and so on, and allowing it to be fertilizer on the land instead of poison for the reef. So I strongly support this bill as it's needed, and I strongly support the County buying wetlands, even if it means using eminent domain, which does not mean you're taking land, it means you are buying the land for a fair market value, which means the owner still gets paid for the land. The only difference is that they don't have a choice as to whether to sell it or not. And I believe that's important because we tried to buy the land above Mā'alaea, and when the County was openly negotiating to get that land, the developers swooped in and bought it, and is probably going to sell it back to the profit at a County...back to the County at a profit. That is not fair. Eminent domain makes it fair because then fair market price will be negotiated, and someone can't swoop in and interfere in the transaction. All the wetlands need to be owned by the County, whatever means that can be done. I want to thank CM Kelly King for this bill and putting attention on this issue, and I look forward to improved County management when she's the Mayor. I would also suggest adding one thing to the permit section to allow and require public testimony and public input in the grading and grubbing permit

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process. We have wisdom in the community, and it needs to have a voice. Thank you very much.

CHAIR KING: Okay. Mahalo, Dr. Young. Any questions, Members? If not, before...thank you so much for your testimony. Before we go to the next testifier, I'd like to recognize Councilmember Yuki Lei Sugimura, who's joined the Committee. Thank you for being here and --

COUNCILMEMBER SUGIMURA: Good morning.

CHAIR KING: -- if you could...good morning. Our greeting today is ello mon or woman from Jamaica.

COUNCILMEMBER SUGIMURA: Ello mon or woman. Good morning, everybody. I'm on the 8th Floor in my office. I'm here by myself, and thank you very much.

CHAIR KING: Okay. You're welcome to join me in the Chambers if you'd like, Member Sugimura. Okay, thank you so much for being here. And, Mr. Leauanae, we'll go to the next testifier.

MR. LEAUANAE: Thank you, Chair. Next testifier is Debra Greene, Ph.D., followed by Mike Moran.

MS. GREENE: Ello mon and womon. . . .*(laughing)*. . . My name is Debra Greene, and I'm testifying on behalf of the Maui Meadows Neighborhood Association, of which I am President. Our association is in support of Bill 91, the bill for an ordinance amending the County Code relating to wetlands restoration and protection. To our knowledge, there are currently no County guidelines on the protection of these important ecosystems, and this bill would be a step toward identifying, mapping, and developing programs to manage wetlands conservation and protection. So we support the protection and restoration of natural systems such as wetlands and dunes because they're important to flood mitigation and climate change adaptation and also, they protect life and property. Wetlands serve many important ecological functions, and among them are the ability to filter harmful toxins, nutrients, and sediments from surface and storm water runoff. So they also have the ability to store floodwaters, and that's especially important to us. They have the ability to reduce the magnitude of flood events, and that's especially important to our residents in Maui Meadows because Maui Meadows like, you know, many neighborhoods in the South Maui district, we've been drastically impacted over the years by severe storm-related flooding. And, of course, the most recent December Kona low storm, our neighborhood suffered damages from that storm that many of our residents are still dealing with to this day. Restoration and protection of our vital wetlands is flood mitigation for stormwater, drainage, and their impacts. And that is a good reason to not only move Bill 91 forward, but also include wetland restoration and protection policies and implementation in the South Maui Community Plan. So one question we have, as an association, is what is the status of implementing drainage upgrades and other stormwater and flooding mitigations in our neighborhood? So we're wondering if that could possibly be put on a future CARE

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Committee agenda. So thank you for the opportunity to testify today.

CHAIR KING: Thank you so much, Dr. Greene. And yeah, we'll follow up on that offline, the drainage issue. Members, any questions for our testifier? If not, thank you so much.

MS. GREENE: Thank you.

CHAIR KING: We'll call the next testifier.

MR. LEAUANAE: Next testifier is Mike Moran, followed by Koko.

MR. MORAN: Excuse me. Good morning, Chair King, and Committee Members. Mike Moran for the Kihei Community Association. And we'll be echoing a lot of the two testifiers before us because we, of course, are bound to look at issues from a South Maui perspective. And we had done a...just a kind of a quick recap of the situation earlier this month, and looked out the natural system was destroyed over the years, and we just broke it down to the Upcountry. The clear cutting of the forest was the first measure of downfall because we know what the trees did to help retain water and use water in a proper way. And as for mitigation, we really commend ReTree for approaching this on a statewide basis to try to get more trees built, so that's...is one facet. The second part is the natural rivers that we had, and we emphasize that these are rivers. This is what Mother Nature had water running down in through gulches that were constructed by the natural process of the rivers, and these rivers were turned into so-called drainage ways where debris was thrown in, and continues to be thrown into today, which jeopardizes the whole...the second part of the system. That we see no...nothing being rectified by that. We looked and saw many studies, many plans on what's going to be done, but nothing...no action. All these plans of 20 and 30 years, and the very last thing they're...they look at the plan is, what are we going to do Upcountry. And this is convoluted. We're at the bottom of the waterfall. You don't fix it that problem at the bottom, you fix it up at the top. But today, we're looking at the third facet, the natural muliwai that we had at the base of these rivers in South Maui. That's what we had, estuaries and...which served a third function. When this clear water came down, whatever natural debris it picked up was filtered before the clear water, then went into the ocean to nourish. And, of course, that's been lost too because we decided...we, as a human species, decided we'll drain the muliwai, we'll fill it in, and we'll build big buildings on it and make a lot of money. And now we're left with the residue of all the . . . *(timer sounds)* . . . so what you're doing today is a very positive step, Chair King, and this Committee, to try and rectify that situation. We'll just close by saying that we still see development. We have...a O'ahu developer came, bought two rivers--somehow rivers are for sale here--and is planning to build on them. And we did note that one of them now has posted violations by the Planning Department that they're violating the law here. And apparently the posting has the fine. I guess they look at it as the cost of doing business...we'll just pay the fine, and go we'll go ahead and build.

CHAIR KING: I have to ask you to conclude, Mike.

MR. MORAN: Yeah. Thank you very much for the opportunity.

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CHAIR KING: Okay.

MR. MORAN: Aloha.

CHAIR KING: Thank you so much, Mr. Moran. Any questions? Oh, we have a question for you from Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Mike. Good to see you. I've been off island for two weeks, so pardon me if my question's already been answered. You...the Kihei Community Association did not support the Waipuilani Project, and that...was that because of the wetland issue, or was it multiple factors?

MR. MORAN: That was the major deciding factor, Gabe. It...we looked at it...and we're trying to look at the balance . . . *(inaudible)*. . . it's infill and, you know, yes, it's going to create traffic, but what isn't? That's not the developer's fault. But the main objection was that it was one piece of land that was serving as a wetland, and unfortunately, that's not the worst project. These other two projects are literally in a river. But, yes, sir, that was our reason for not supporting that one.

COUNCILMEMBER JOHNSON: Thank you for that clarifying question. Thank you, Chair. I have no further questions.

CHAIR KING: Thank you, Councilmember Johnson. Any further questions for the testifier? If not, thank you so much, Mike.

MR. MORAN: A hui hou.

CHAIR KING: You have a great day. All right. Mr. Leauanae, next testifier.

MR. LEAUANAE: Thank you, Chair. Next testifier is Koko, followed by Faith Chase.

CHAIR KING: I thought he was here earlier. Oh, aloha.

MR. TUIVAITI: Aloha.

CHAIR KING: Could you just state your name for the record.

MR. TUIVAITI: Yes, ko'u inoa Cody Nemet Tuivaiti 'o ko'u inoa.

CHAIR KING: Thank you.

MR. TUIVAITI: Aloha. So I'm just going to get right into it. I'm here to support Bill 91. South Maui has very few wetlands left, and we all know about their importance to our aquifers, our marine life, and how valuable they are in mitigating heavy rains. I think that this bill is crucial, as it will help to designate our remaining wetlands and requires due process in amending their zone in...you know, in zoning them. There are many studies

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and tests that still need to be done within our wetlands before they are subjected to delineation, I feel. And what we're seeing a lot of times at surface level is only a cover for what lays right beneath. I support this bill and every opportunity we get to save our remaining water resources we have left in South Maui and, you know, there's always that saying that we hear, yeah, e ola i ka wai. And whenever we hear e ola i ka wai, you know, there's life in the water, we often think about East Maui or West Maui. We thinking about the...our rivers and streams in those areas, but I feel like a lot of times we tend to forget about all our waterways, yeah? And when you drive down South Maui, or when you drive down Kula kai, our waterways look really...look like they...you know, our wetlands have been neglected. And these waterways have really been put to the side, you know, and...you know, I think it's very important to remember e ola i ka wai. E ola i ka wai means there's...where there's water, there is life. I think that we need to be...you know, and I really got to commend Kelly King in everything that she's been doing to help push the issue of our wetlands because that's the kind of support and the kind of...yeah, that's just what it needs, you know. Our waterways need to be set up in a higher standard, they need to be taken care of, and this is talking about, like, what Mike Moran was saying, you know, our muliwai. You know, these are those bodies of water that stand at the bottom of...right near the ocean. And those are all part of the waterways as well, you know, they need to be taken care of. There's life, there's 'o'opu. There's 'opai. And I feel like these kinds of bills is really what we need to push it in the right direction. So mahalo.

CHAIR KING: Thank you so much, Mr. Nemet. Any questions for our...actually, Mr. Nemet will be a resource person, but if you have a burning question now...Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Tuivaiti. I was wondering if you could clarify, when you said subject to delineation for the wetlands before...

MR. TUIVAITI: Yes, definitely. You know, a lot of times when our wetlands are...go through the delineation process, we see what is at surface level. We...they're noticing the plants, you know, when they're checking off their criterias [*sic*], they're noticing the plants that they see that are growing there. You know, right under that little...that first layer of soil is our seedbank, you know. This is where all of our seeds have been stored. All of the wetland plants, all of our wetland brush, all of our wetland trees. And I've seen it firsthand, and this is coming from kiloing (*phonetic*) the 'āina, this is with our boots on the ground, you know. And when that silt comes down from mauka, and when it overlays over the...our wetlands, it creates a new opportunity for new growth of different types of plants that aren't necessarily part of the wetland criteria. But what I'm saying is that there's so much opportunity to expose what is there to...how do you really have a proper delineation process when you're not exposing what is really there, you know? For those of us who live in Kula kai, and when people tell us, this is not a wetland, I'm like, are you crazy? Like we live here all year round, we know that this place holds water. We know what kind of area this is. And then it's obvious to the eye what...you know, our delineation process relies on these criteria that...it many times points it away from the zoning it as a wetland. So I would say that, you know, we need those opportunities to restore our wetlands, to reveal what is beneath the surface level, to

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show what is really there before someone just comes by one day out of the year, does this process, and then tells us about where we live, you know. It's...we should be the ones determining where we live.

COUNCILMEMBER PALTIN: I was wondering if you could define what you mean by delineation.

MR. TUIVAITI: Well, the delineation process, the wetland delineation process is basically when they...when we have those...that...the surveyors who basically come in and they try to...they try to justify if this area is a wetland or not, yeah? There's a...there's forms of criteria, there's...that they go through, you know, if the water sits for a period of time, if there are wetland plants in the area. And one of the key factors in our area over here by Welakahao is that although there were wetland plants, there were also a lot of other trees, like kiawe, that are growing in the area that were showing signs that this was not wetland anymore, you know. And to them, it showed that our wetlands were basically nonexistent because of this layer of sediment that has overlaid our wetlands for a period of time, and has allowed this new growth to take over. What I'm saying is that we need to restore our wetlands so that we can really prove and show that what lays beneath the surface level is what is our remaining wetlands...or is what they need to see, you know.

COUNCILMEMBER PALTIN: Thank you.

CHAIR KING: So did that answer your question, Member Paltin?

COUNCILMEMBER PALTIN: Yeah --

CHAIR KING: I think what he's talking about is mapping --

COUNCILMEMBER PALTIN: -- basically.

CHAIR KING: -- the wetlands.

COUNCILMEMBER PALTIN: Yeah. Okay, thank you.

MR. TUIVAITI: Yeah, it's kind of like the determination of what a wetlands is.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR KING: Okay. Thank you. Thank you, Member Paltin. Any other questions, Members? If not, next testifier. And Koko, if you could hold on, we'll get to you as a resource person.

MR. TUIVAITI: Mahalo, Chair.

MR. LEAUANAE: Thank you, Chair. Next testifier is Faith Chase, followed by Cheryl Tomita.

MS. CHASE: Good morning, Chair Kelly King. Good morning, Committee Members.

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CHAIR KING: Good morning.

MS. CHASE: Hi. I have a lot to say, I would beg my friends and peers to maybe ask me some questions. But I just want to say right out the gates, thank you so much for this piece of legislation. This Bill 91, it is...there have been two different instances where petrochemical groundcover was put on top of wetlands that I had to protest to get it...to be removed--one in Central Maui, and one in the Waikamoi watershed. And had this bill...had this piece of legislation been in place, it would've been...made my job a lot easier. So thank you so much, Kelly King, for this work. I...there's...I've read it really good. I see a lot of references to native Hawaiian cultural practices, which is great, but you know how we, the County, does not have jurisdiction over Hawaiian Home Lands. I would just beg you to, once it's voted and policy, if you could send this, forward this, with an eloquent cover letter encouraging Hawaiian Home Lands--both DHHL and the SCHHA that I spoke about yesterday, the Sovereign Council on Hawaiian Homelands Association--share this and explain why...you know, give some back story to it. Because their land management divisions really need help, and this would maybe help guide them and encourage them and inspire them to create something similar. I'm struggling with some poor watershed management issues right now in Kahikinui. There's a recent right of entry that is just going to be very destructive. It's like a Jake News (*phonetic*) version to...it's very frustrating. It makes me...it makes me want to cry because everything in here, and echoing Cody's, the previous testifier's excellent testimony, it's so important. It is Ahupua'a, it is mountain to the sea, and everything is relative. And that recharge in the aquifer...everything...you know, everything effects below. And so I'm just...I'm so grateful for this. I'm going to send it on as well, but coming from you with your title as Councilmember and Chair of this Committee, I think it would have some weight. And so thank you so much.

CHAIR KING: Okay, thank you.

MS. CHASE: That's all.

CHAIR KING: Thank you so much, Faith. I just made myself a note to send it to them. Any questions for our testifier? Okay. Seeing none. We'll talk offline, Faith.

MS. CHASE: Yes, I'll send this for the two departments. Thank you.

CHAIR KING: Okay, thank you so much. All right. Mr. Leauanae, next testifier.

MR. LEAUANAE: Next testifier is Cheryl Hotta, followed by Robin Knox.

CHAIR KING: Ms. Hotta? Oh, there you are. Can't hear you. You're unmuted on our end. We can see you. You want to try speaking? Ms. Hotta? Okay, we can't...you're unmuted on our end, but we can't hear you. I'm sorry. Try pushing M on your keyboard. The M for...that might...that sometimes helps unmute you. No, we still can't hear you. Do you want to give us a thumbs up or a thumbs down if you...thumbs up if you support? Okay. And if you want to try back in...if you want to try logging out and logging back

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in, we can try to call you again a little bit later. Okay, so we'll go to the next testifier, and we'll try back with you. All right.

MR. LEAUANAE: Next testifier is Robin Knox.

MS. KNOX: Aloha.

CHAIR KING: Aloha.

MS. KNOX: Good morning, Chair King, and Committee Members. Thank you for once again delving into this wetlands protection subject matter. I do have a few comments. In 19.57.030 on the report, it says by qualified scientific professional, I would like to see that replaced with qualified environmental professional, one of the reasons being that people can have expertise other than a degree in science, and people with a degree in science might not be qualified in the area of environment. So I think the qualifier environmental is important. You could have engineers, or cultural practitioners, or planners involved with that report. The section B8 under that same heading, it says any significant adverse impact on natural drainage, destruction of important habitat, or discharge of toxic substances. I think that should say pollutants so that we're not limiting it just to toxic substances. There are some pollutants that can alter ecosystems without being toxic. And then section...paragraph 9 under that same section, measures to increase potential for survival of rare and endangered flora and fauna, I would like to add native and endemic flora and fauna to that list, not just the rare and endangered, but encouraging all of our native plants and endemic species. The permitted uses under 19.57.050, I would like to see an equivalent for the scientific and research and educational regarding cultural activity. So something like kilo gathering and educational activities, teaching principles and practices of Hawaiian culture should be added as a permitted use. Section 4, where it talks about Section 2.82.040, the Committee must advise the Mayor on priorities for high value wetlands, I would remove the words high value because value of wetlands is a community decision. And it's been documented in the literature on wetland restoration that often the community's values are different than, perhaps, you know, people coming in and doing an evaluation who don't live there. For instance, a high value might be for bird habitat, but the community might value that wetland more for recreation, or more for flood control, and not all wetlands can be restored for all functions. So I really think there needs to be an opportunity for the community to weigh in on the value of wetlands that might be acquired are, you know, by the County and what is high value . . . *(timer sounds)* . . . is a community decision. And the last thing was we need a date certain transmittal of the overlay map.

CHAIR KING: Okay. Any more...we're going to actually have Ms. Knox as a resource person too, so...as we go through the bill. You know, that was one of the...the date certain was one of the things that was on the CD1 version, so I'm not sure if you're looking at the same version that we'll be --

MS. KNOX: Oh.

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CHAIR KING: -- going through today, but we will be going through it. So you'll be there as a resource person if you want to make some comments.

MS. KNOX: Right. And I did submit those comments in writing as well.

CHAIR KING: Okay. Great. Councilmember Sugimura has a question for you. No? Okay. No question. All right. Well, hang on there, we'll get back with you when we get to the bill. Thank you so much, Ms. Knox. Next testifier.

MR. LEAUANAE: Chair, circling back to Cheryl Hotta --

CHAIR KING: Okay, miss...

MR. LEAUANAE: -- followed by Rick Alexander.

CHAIR KING: Ms. Hotta, try again. Okay. We have you unmuted on our end, but we can't see you. Okay. Why don't we go to Mr. Alexander, and then we'll come back to Ms. Hotta after the next two.

MR. ALEXANDER: Ello.

CHAIR KING: Aloha, Mr. Alexander.

MR. ALEXANDER: Aloha to all of you from the ninth island. . . .*(laughing)*. . .

CHAIR KING: Go ahead, the floor is yours.

MR. ALEXANDER: Hello?

CHAIR KING: Hello, go ahead.

MR. ALEXANDER: Can you hear...

CHAIR KING: We can hear you. You're breaking up a little bit.

MR. ALEXANDER: Oh, okay.

CHAIR KING: Maybe if you...if you want to turn your video off, sometimes that helps with your audio.

MR. ALEXANDER: Oh, okay. Okay. Okay, how's that?

CHAIR KING: We can hear you.

MR. ALEXANDER: Can you hear me now?

CHAIR KING: Yes, we can.

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MR. ALEXANDER: Okay. First of all, I'd like to thank Daniel Kanahele for calling me this morning, and being that I've been talking to them about projects in South Maui and stuff. So I agree that, you know, wetlands need to be saved throughout the entire island. Not only on Maui, but through the entire State of Hawai'i. Now, long story short is, being born and raised here on the island, family in South Maui. I used to travel from Pu'unēnē . . . *(inaudible)* . . .

CHAIR KING: Oh, I think we might have lost you.

MR. ALEXANDER: When I . . . *(inaudible)* . . . Nāpili in the '70s I got back from the service, we used to go akule fishing by . . . *(inaudible)* . . . and the . . . *(inaudible)* . . . from way back I know a lot of people, and I know . . . *(inaudible)* . . . went in for greed in the Council, in the Building, in the Planning, and that really irritates me, and I've been very verbal about it. And being that I didn't...I wasn't aware of my PTSD at the time--thank God that I came to Vegas for treatment--I wanted to knock guys out. Sorry about that, but you know, it just irritates me when...when you get pilgrims come to the island, they come on vacation, then they...they're tourists. But when they come, and then they keep coming back, and then they start buying land, and then start developing...and I've seen it happen, and especially in the South Maui area where, you know, they just backfill. They're not caring about the people. They're not caring about the wetlands. They're not caring about the birds that were there. And one of my homes on...off of Lipoa Street, that whole area was wetlands. And there was a Federal Government project, which the County was...it was all misdome as far as the size of the roads, the community. They did a...one water line for 56 homes so that they could get them under a condominium process. A lot of BS in all of these things. Now, the engineers, half of them don't even qualify to know what's going on on the wetlands. They talk about things, but they really don't know because they haven't been there. And that's the sad part, you know. . . . *(timer sounds)* . . . You just take a look at now with Tamara's incident with that Greg something. Now, you know what? Who going pay for that? The people's tax money going...going to have to pay for that. Just break the thing down, and that's it. Pau. No ifs, ands about it. So...just like a lot of different projects that took place. Now, what they need to do is stop, period, and go from South Maui from the Pi'ilani Highway down. You stop everything right now. Stop it.

CHAIR KING: Mr. Alexander, we have to ask you to conclude.

MR. ALEXANDER: Huh?

CHAIR KING: Your three-minute bell went off.

MR. ALEXANDER: What's that?

CHAIR KING: We have to ask you to conclude. The three-minute bell went off. I don't know if you could hear it.

MR. ALEXANDER: Oh, I never hear that. Okay.

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CHAIR KING: Okay, sorry.

MR. ALEXANDER: Okay, I'm sorry.

CHAIR KING: It's okay.

MR. ALEXANDER: Anyway, I'm appreciating that people are speaking up on conserving the wetlands. And you guys get my emails all the time. Let me know if it's positive or negative because I praise you folks, but I let you know when it's not right. So I appreciate you all, by the way. All right. Thank you very much.

CHAIR KING: Thank you so much.

MR. ALEXANDER: Aloha.

CHAIR KING: Thank you, Mr. Alexander. Any questions for our friend from the ninth isle? Thank you so much for being here, really appreciate your input. And I think we have one more...one or two more testifiers, Mr. Leauanae?

MR. LEAUANAE: Thank you, Chair. Going back to Cheryl Hotta, followed by Albert Perez, who's the last one currently signed up.

CHAIR KING: Ms. Hotta, are you there still? Green. Okay, let's go to Albert Perez, and then we'll circle back one more time. Mr. Perez.

MR. PEREZ: Good morning. Aloha, Chair King, Councilmembers.

CHAIR KING: Aloha.

MR. PEREZ: Hope you're all doing well this morning. I'm Albert Perez, I'm with Maui Tomorrow Foundation. And we support this bill because of the many benefits of wetlands, which have already been mentioned by other testifiers. Flood control, sediment filtering, and also providing a place for juvenile keiki fish to grow bigger are functions of wetlands that they provide to us for free. If we had to pay for those, if we had to build facilities to serve those functions, it would cost millions of dollars. I do have mixed feelings about this bill because it does not protect all wetlands in the County. It only applies to community plan amendments, changes in zoning, and the like, but it's a start. I will say that other jurisdictions require delineation of wetlands and their buffers for all development, and they have permanent staff at the county to perform that function. In the event that an entire parcel is determined to be wetland and/or buffer, there can be provision to allow construction of a single-family dwelling. As each delineation is done, it should be added to the wetlands map, thus over time filling in the gaps in the national wetlands maps, which generally only indicate about one-third of the wetlands that are actually there. But this bill is a start, and it's urgent. Hopefully the Council can pass something in time to preserve at least some of the wetlands that are left. I do recommend that we take advantage of the work that was done for the West Maui Community Plan, which

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this Council adopted in December of last year, specifically policy 2.3.3. And so what I would recommend is that the definition of wetland in this bill be expanded to include areas defined by traditional historical knowledge. Also implementing action 3.11, it talks about buffers, and it calls for the creation of 100-foot buffers around wetlands, instead of just leaving it up to the Administration to determine how big the buffer should be. Without adequate buffers, the health and functions of wetlands can be compromised. So, anyway, mahalo for your consideration. That's my testimony.

CHAIR KING: Okay. Thank you, Mr. Perez. Did you send that in writing to the Committee?

MR. PEREZ: I did not. I just wrote it, but I can send it to you.

CHAIR KING: All right. Thank you very much. Any questions for Mr. Perez? Okay, seeing none. Thank you so much for your testimony.

MR. PEREZ: Okay. Mahalo.

CHAIR KING: And I'll look for the written...all right. Mr. Leauanae, do we have any...do we want to try Ms. Hotta one more time?

MR. LEAUANAE: Thank you, Chair. Ms. Hotta dropped off the call --

CHAIR KING: Oh, okay.

MR. LEAUANAE: -- and there are no other testifiers currently signed up.

CHAIR KING: Okay. I'll make one more last call if anyone's on the call who would like to testify, you can unmute yourself and speak up now. Give it a few seconds. Okay. We'll close testimony and accept written testimony into the record if there are no objections.

COUNCILMEMBERS: No objections.

CHAIR KING: Okay. Thank you so much, Members.

. . . END PUBLIC TESTIMONY . . .

CHAIR KING: All right. Well, we will remind those that provided testimony via BlueJeans audio or video to tune into *Akakū* Channel 53, Facebook Live, or mauicounty.us to view the remainder of today's meeting. And we'll move on to our one subject matter, Bill 91 (2022) relating to Wetlands Restoration and Protection, CARE-55.

ITEM CARE-55: BILL 91 (2022), WETLANDS RESTORATION (CC 21-358;
Bill 91 (2022))

CHAIR KING: Members, today we will discuss Bill 91 (2022) entitled "A BILL FOR AN

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ORDINANCE AMENDING TITLES 2, 18, 19, AND 20, MAUI COUNTY CODE, RELATING TO WETLANDS RESTORATION AND PROTECTION.” I chose to dedicate the entirety of today’s Committee meeting to its discussion in order to give this item our undivided attention and the time it deserves. We first discussed this item on September 1, 2021, when we received presentations and comments from wetlands experts, including Robin Knox and Michael Reyes, who we have with us again today, and had an extensive dialogue on how to best define wetlands and provide clarity to terms in County ordinance. We next discussed this item on September 29, 2021, when we were again able to hear from Ms. Knox, as well as Brandi Corpuz, who is also in attendance today to provide her expertise, and the Committee discussed expansion of the definition of wetlands in line with a widely and expertly accepted classification of wetlands and wetland areas. In that meeting we heard from Committee Legislative Attorney James Forrest that OCS, Office of Council Services, worked in a highly collaborative effort on this bill with Corporation Counsel, the Department, and the Administration, to listen to community concerns, clarify definitions, and expand input before sending the legislation to the Planning Commission, as required, for their comments and recommendations, which we have since received back, and you have before you. Bill 91’s purpose is to conserve and protect sensitive ecosystems and ecosystem functions and values, mitigate climate change, and work toward building environmental resilience by establishing requirements to map and protect wetlands. Although guidance and justification for the County to protect and restore wetlands can be seen throughout the Countywide Policy Plan, Maui Island Plan, Lāna‘i Island Community Plan, and Moloka‘i Island Community Plan, the Maui County Code does not currently include any established policy to do so, nor do existing State Statutes. Okay. I just got a note that Ms. Corpuz had to cancel at the last minute, so she won’t be with us today. The National Association of Counties also recommends the enactment of wetlands ordinances, as many wetlands are not protected under Federal laws, and instead fall under the responsibility of local government. We have with us today Scott Fisher, Ph.D., Chief Conservation Officer, Hawai‘i Land Trust; Robin Knox, President, Water Quality Consulting, Inc. and Project Manager, Save the Wetlands Hui; Cody Nemet Tuivaiti, Project and Field Manager, ‘Āinakūko‘a--and we just heard from Brandi that she won’t be here. We will receive three brief presentations from each of the resource persons to highlight the pressing importance of this bill from their multi-faceted collection of knowledge on the subject. We were already able...oh, I guess we haven’t...do we have Michael Reyes on the call as well? Okay. We also have...we heard earlier testimony in earlier meetings from Michael Reyes, Senior Ecologist from Maui Environmental Consulting, who has an extensive background in various areas of ecology and water quality. I’d like to highlight and thank him for his contributions to the drafting of this bill, as well as include him as a designated resource. Joining us from the Administration we have Jordan Molina, Director of Department of Public Works; Michele McLean, who may not be here yet, Director, Department of Planning; and Keola Whittaker, Deputy Corporation Counsel, to provide comments and answer questions Members may have relating to the proposed legislation. So without further ado, I’d like to get right into our presentations to provide the setting for our discussions today, and I’d like to designate today’s resources, if there are no objections; Director Molina, Director McLean, Mr. Fisher, Ms. Knox, Mr. Tuivaiti, and Mr. Reyes as resource personnel in accordance with Rule 18(A) the Rules of the Council. Any objections, Members?

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COUNCILMEMBERS: No objections.

CHAIR KING: Thank you so much. We're going to go first to Mr. Scott Fisher for his presentation of the wetland project with Hawai'i Land Trust. Aloha, Scott. Okay, you're muted on our end. Can we...we've unmuted you, but we can't hear you. Okay, want to try again?

[Presentations]

MR. FISHER: Yeah.

CHAIR KING: Now we can hear you, great.

MR. FISHER: Now you can hear me? Great. Okay. I have a presentation. Not sure how to...can I share screen?

CHAIR KING: Staff, can you give him the share screen option?

MR. FISHER: Able to see that?

CHAIR KING: We can --

MR. FISHER: Okay.

CHAIR KING: -- we can see that. Okay.

MR. FISHER: Okay.

CHAIR KING: You're on.

MR. FISHER: Wonderful. So, aloha, I...my name is Scott Fisher, I'm the Director of 'Āina Stewardship with the Hawai'i Land Trust. And I just want to go over some of our wetlands restoration and protection measures in order to build resilience of coastline inundation. So for those who may not be familiar with the Hawai'i Land Trust, our mission is quite simple, it's to protect and steward the lands that sustain Hawai'i, and to perpetuate Hawaiian values by connecting people with 'āina. And our vision is, of course, i ola kākou 'āina, i ola kākou nei. Hawai'i's lands thrive and nourish its people. You know, some of our guiding principles, I just want to put these out there are quite simple. He ali'i ka 'āina; he kauwa ke kanaka, which is a fairly well known 'Ōlelo No'eau, that the land is the chief and humans are the servants. What we're primarily concerned about is restoring our wetlands at Waihe'e, and this presentation will be about Waihe'e, but our restoration work at Waihe'e is focused on the wetlands for a variety of reasons, including sediment attenuation, the benefits of sediment attenuation that are derived from restoring and maintaining a healthy coastal ecosystem. One of the major threats, of course, is what we call high-energy marine inundation events. And so what...the photo I'm showing here is just simply the March 11, 2011, tsunami, which

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was a relatively small tsunami in historical standards. About every 11 years, Hawai'i gets hit by a destructive tsunami, and this was the one that hit, of course, from the Tohoku, Japan event. And so I just want to show some photos of what tsunamis and what coastal inundation events can do. And so this is another shot from the same event, again, looking into the wetlands. For those who aren't familiar with Waihe'e, the wetlands are 27 acres, and this is the edge of the wetlands here, and so we're quite concerned about the potential for storms and tsunamis to do damage to our ecosystem. So what we are doing in order to increase resilience is...in the context of our water bird habitat restoration, and our cultural resource restoration, and particularly in the fish pond, so we have a seven-acre local i'a kalo, which is a...we have a dual-use fish pond where fish and taro are raised. Our goal is to maintain those or...to restore the fish pond and maintain the health of the wetlands. But because we're subject to these catastrophic salt water and marine water inundation events, because we are close to the coast, what we're trying to do is restore the ecosystem in...with a...using what are known as forested bioshields along the makai section of the refuge. And I'll get into what a forested bioshield is in just a moment. But those forested bioshields are just basically restoring native coastal forests in order to afford protection from these high-energy marine inundation events. And what we're finding is that there has to be a collaboration between restoring wetlands, which attenuate sediment and protect that coral reef, and establishing these forested bioshields, which also assist in the process of sediment attenuation. So just real quickly, what is a forested bioshield? A forested bioshield is a deliberately designed forest. In our cases, they are always native tree species. We have a good sense of the historical ecology of the area, and so we use a variety of species, as you can see in these two photos. The photo on the left is actually Waihe'e, and you can see the mauka portion of our forested bioshield, which we use hala. And the right...the photo on the right is basically what a dense forest of hala looks like. It's a stock photo. Our hala are still quite young, so they're growing up. But the ultimate goal is to reduce inundation energy from storms and tsunamis and to attenuate that sediment that would otherwise be carried into the wetlands. So...and this is, again, restoring native tree species and shrubs in this way. So in here, we see a combination of hala, akia, naupaka, and some other shrub species, so that is the goal. The other aspect...so in addition to a coastal forested bioshield, we're also committed to trying to protect the reef in front of the Waihe'e Refuge. So coral reefs are critical in protecting shorelines from storms and tsunamis. In fact, the 1946 tsunami that came from the Aleutian Islands hit Kahului Harbor, and bounced back, and did some serious damage, some very serious damage at Waihe'e. So that was the April 1st, 1946 tsunami. Carried a number of...excuse me, a large quantity of sediments across the wetlands. And that is, of course, a...that sediments being deposited in the wetlands is an existential threat to the wetlands. And so this is a photo looking from...directly above the wetlands looking back at Kahului to kind of show the coral reef...so we have that fringing reef. The healthier the reef, the more protection it provides from those storms and tsunamis. And so our focus on resilience and sustainability really focuses on four steps, and that's identifying the threats, exploring options for their impact...for mitigating their impacts, and looking at the nexus between social and ecological benefits, and then implementing those strategies. And so one thing I want to point out--I know time is short--and I just want to focus on the necessity and importance of restoring lo'i kalo. So as you can see in the middle bullet point, lo'i kalo capture up to 90 percent of the sediment that would

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otherwise be discharged onto the coral reefs. And so any type of māla'ai, garden, or lo'i is going to have a similar effect, but lo'i kalo...and I'm doing a study right now in Kalepa Stream to see how much sediment is attenuated in our upland taro patches on that stream system. So, you know, in terms of resilience, our healthier coral reef protects the coast. It also provides resources for the community. If you improve or restore the lo'i kalo, you also have 25,000 pounds per acre, roughly. I mean, that's a rough estimate. But I just wanted to state there's a...absolutely a link between the health of the people, the health of the land, in particular how we restore our native ecosystems, how we restore our lo'i kalo that provides so much resources, and all those things are linked, and they're all linked and associated with ecological systems, so you...from resilience perspective, you have to protect your wetlands, you have to protect your coral reef, you have to protect your streams, all of these things are absolutely critical. And so I'm happy to answer any questions that might come up, and I appreciate your time.

CHAIR KING: Okay. Thank you so much, Scott. Hang tight, we've got two more short presentations, and then we'll --

MR. FISHER: Okay.

CHAIR KING: -- open it up to the questions from the Committee --

MR. FISHER: Thank you.

CHAIR KING: -- Members. Next we're going to hear from Robin Knox. Robin, did you have a PowerPoint? Robin Knox? There you are.

MS. KNOX: Hi. Yes, I do have a PowerPoint. I have not ever done this on BlueJeans before, so...share screen. Can you see my screen now?

CHAIR KING: Not yet.

MS. KNOX: No?

CHAIR KING: Staff, did you give her --

MS. KNOX: Okay.

CHAIR KING: -- the share screen?

MS. KNOX: Yeah. I'm pushing the button that says share screen.

CHAIR KING: Okay, it's up at the top next to the...

MS. KNOX: Okay. Here we go. There we go. Now can you see it?

CHAIR KING: There it is. Okay.

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MS. KNOX: Okay.

CHAIR KING: Now we can see it.

MS. KNOX: All right.

CHAIR KING: You might want to put it on slideshow so we don't see all the thumbnails of the slides. There we go. Okay.

MS. KNOX: So as was said earlier, I'm the Project Manager for Save the Wetlands Hui, and we had a grant from the Mayor's Office of Economic Development and Hawai'i Land Trust, who you just heard from, was our fiscal sponsor. And we're also looking forward to hopefully continuing this work. So in this presentation, I just wanted to touch on five areas of the work we've been doing, and kind of look back at what we did, and look forward to what we want to do this year. So we had a mapping and inventory component. And this map here on the left, you can see that we identified 44 wetland features, and this was just in the Keokea Waiohuli corridor. And, you know, many people were surprised to learn about these wetlands because, as Koko was saying, if you just looked at the surface during the summer, during the drought, you might not think it was a wetland. But a little more exploration, and you find that there's water. You pull out these invasive species, you find that seed bank, you find wet...native plants that are hidden under there that can prosper once you take the invasives out and they stop hogging all the water. For FY '23, we want to expand that mapping and inventory to go from Mā'alaea to Makena, and that's primarily in response from people who have seen the work that we've been doing, and would like to know more, and would like to see all of South Maui covered by this investigation. We have a wetland restoration demonstration site, two parcels that are in Lā'ie mauka across the street from Saint Teresa's Church. Two parcels just under two acres. In our...last year we removed 12,000 cubic feet of invasive plants. So over here on the left...oop...there. Over here on the left there's the invasive Pluchea, that was what it looked like when we started. Very sticky stuff, you can't even walk through it. We uprooted all that and made them into berms, and you can see the little beginnings of the native plants that were already there are starting to recover because the invasives have been removed. And then just a short time afterward, you see those little tiny patches have now become bigger patches, and they're literally reaching out toward each other, and eventually this whole area became kind of like a meadow of native plants. And then we actually installed additional native plants that weren't already there to increase the species diversity of the different types of species that were there. Next year we want to add...or this year we want to add an adjacent parcel. We've gotten permission from the landowner and removed, this time, 16,000 cubic feet. And we have a greenhouse now at the Waihe'e facility so we can propagate and install 1,200 native plants. We have volunteer workdays, and this is where a lot of the excitement in the community and firsthand learning through experiential going out and actually doing it. We had eight workdays, 114 volunteers, and 456 hours of labor last year. This year, we want to triple those workdays, have 240 volunteers, and 960 hours of volunteerism. Public education was everyone from this Committee and County Council, and County departments, to school children. We worked...we had a website. We had 800 followers on social media. We did nine public

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presentations, six of which were broadcast live and archived so that people can watch them later. We had a camp, a wetlands camp, with keiki with the nonprofit Learning Endeavors. And for this coming year, we want to have...do workshops amongst the different groups that are doing wetland restoration so we can learn from each other, as well as bring in some experts to teach us all together. So we want to reach out and make all of these projects more communal and working together to share our experiences. We want to do a virtual statewide conference so we can learn from the other great projects on the other islands. And the educational program is significantly expanded, with having 420 students come to the wetland, having afterschool clubs, and one professional development course for teachers to learn about the wetland. And one of the richest and most important experiences we had was the cultural experiences of going out in this wetland. And we learned that Lā'ie Wetland was a gift to Pi'ilani's beloved and pi'o wahine, his sacred wife, Lā'ielohelohe. This wetland's connected to a loko i'a, which is one of the five known to be along the Kihei Coast, or the Kula kai Coast. And there are family stories around this area that say that the daughter of Pi'ilani and Lā'ielohelohe comes to visit, that she was deified, and she is Kihawahine, the Mo'o goddess of Maui, very famous, fierce Mo'o goddess that shows up at different places on Maui. So there's this very rich culture in Kula kai that when I first moved here I didn't know about. It's somewhat hidden or forgotten, and it's coming forward now a lot more, and I really appreciate all the people who have shared with us so that we can learn this cultural aspect to our wetlands as well. And we're...we did three kilo events and made a workbook in 'Ōlelo Hawai'i and a calendar. And next year we want to do four kilo events, expand that educational workbook, do the calendar again, it was very popular, and then make one video in 'Ōlelo Hawai'i. So that...thank you very much, and these...the links to where you can find some of those different resources.

CHAIR KING: Okay. Thank you so much, Robin. Really appreciate the update on that project. And Members, we'll hold questions for the last presentation, which is from Cody Tuivaiti. Cody, do you want to...do you have a PowerPoint?

MR. TUIVAITI: Yeah, I have a slide.

CHAIR KING: Okay.

MR. TUIVAITI: Let's see. Share screen. You guys see that?

CHAIR KING: Not yet.

MR. TUIVAITI: Okay. Okay, hold on.

CHAIR KING: The share screen is at the...should be at the top next to the...on the right of the mute button, the microphone button.

MR. TUIVAITI: Press here.

CHAIR KING: Did you click on that button?

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MR. TUIVAITI: Yeah. Hold on real quick.

CHAIR KING: Oh, okay. We can actually have Staff pull it up for you. They have your presentation.

MR. TUIVAITI: Yeah, it's lagging on my end for some reason.

CHAIR KING: Okay.

MR. TUIVAITI: So my...

CHAIR KING: Okay. Let's go ahead and pull up his presentation. And just let them know when to advance the slides.

MR. TUIVAITI: You know what? I think I was able to pull it up.

CHAIR KING: Okay. Somebody started, I'm not sure if it's you or Staff. Is that...okay.

MR. TUIVAITI: Did you guys get it?

CHAIR KING: Yeah, we can see it.

MR. TUIVAITI: Okay. All right. So our hui is called Āinakūko'a. 'Āinakūko'a talks about the ko'a. It relates to the coral being a refuge for fish. For indigenous people, these kīpuka or havens, the calm spaces of land, are our refuge, and it is our kuleana to protect them and educate others on why they are so important. All right, you can go to the next slide. So we have these components that we always try to teach, and this is one of our main ones, but this is probably the biggest one we have. This one is called ho'i. Ho'i talks about returning or bringing back, reverting. And it's really about our seedbanks, and trying to stress the importance of our seedbanks, and how important they really are. When we have runoff, when we have storm surge, it is our seedbanks that always return, that a lot of times these plants are taken out, and cleared, and they don't have a strong seedbank. These areas become heavily inundated, yeah, with silt and with runoff and things like that. So what we've been doing is we've been really trying to nurture our seedbanks. We've been clearing areas and trying to allow them to come back. Doing that takes a lot of kilo, takes a lot of patience, but we understand that this is a stewardship. This is generational...a generational process. So this is just, yeah, depicting clearing and some of the plants that have been able to return. In some of these photos, you can kind of see where we're cleared and how the pohuehue vines are starting to crawl back into place. And then in our waterways, after our big rains our a'ia'i and kaluhā plants starting to return and come back. Okay, you can go to the next slide. Another component we try to teach is pilina, and pilina is really important in teaching stewardship. Without stewardship, how long is restoration really supposed to last? So it talks about connection, talks about relationship, and what it is, is we try to teach our community about having a relationship with your 'āina, or with your plants, from seed level. So we gather the seeds, we gather the cuttings, we teach about propagation, and we grow the plants, and then we bring the plants here, and we mālama

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them, you know. We try to understand our characteristics of our plants. It's all a part of kilo as well. All right. Let's go on to the next one. Kaiāulu is community, it's village, it's the gathering tides. And like our plants, you know, our...we know that native plants work best in a community. They provide resources certain plants need, while other plants depend on the other to survive. Through our 'āina, we have learned the same importance of our own community and why villages were integral to the island way of life. But this is actually a good example of the term i ke papa alua (*phonetic*), it's not only the village that raises the child, it's the 'āina. Okay. This one is ha'awina, and we always try to teach what is the lesson to be learned? What is the task at hand? What is the contribution? First we want to understand the problems we face throughout flooding, water, storm surge, runoff, coral bleaching, injection wells, to know that we all have a kuleana to mālama 'āina, but to know that not all work is done in one lifetime. It is important that we prioritize stewardship just as much as we prioritize restoration, and that generational knowledge can continue to be passed down. Okay, you can go to the last one. And then the last being the overall, which is kilo 'āina as our process of data collection. What is the difference between kilo and science? There's not much difference because the kilo is a scientist. The only difference is that the kilo has the experience of being present on the land all year round. They understand the patterns. Most importantly, they understand through maka'ana he ike that what works and what doesn't work. Kilo 'āina is really about being kama'aina, which is familiar. Yeah, it's really about having familiarity with your Ahupua'a, with your area. And as much as I would like to generalize restoration and all of Kula kai, being here in Waiohuli kai really gives us the opportunity to understand Waiohuli kai. We...our volunteers and our kumu have helped us along the way, especially our consultants, who have helped us to learn a lot of the process, and really given us a clear view on what works in Waiohuli kai, and what doesn't work. And I think that's one of the main things about restoration is that...it's really learning how to listen to the 'āina. There's a lot of things that people want to plant, a lot of things that people want to incorporate, but a lot of times the 'āina is trying to speak, trying to tell you something else. And I think it's very important that we begin to understand that language. Yeah, it may not...you may want to have all these fancy plants and all these beautiful plants, but the 'āina may be more in tune to certain plants that are more fit for that area. So those are the things that we are really trying to learn about this area, Waiohuli kai. And then the last slide. This is our project area right here, just a little map, and it's basically showing our designations of our sand dunes, which is in zone 1; our permanent wetlands, which is the muliwai in zone 3; our field system, our akulikuli fields in zone 4; and zone 2 is more of our akulikuli wetland area, kind of like marshy area. And we kind of breaking it all up into these zones so that we can prioritize what is needed most. In zone 1, we've done a lot of clearing to help the...I mean, to help the 'aki'aki and the pohuehue grow, which it has pretty much taken over that whole area, which is D and E, you can see where it's still kind of barren. Those are where...some of our target areas where we plan on basically rerouting the trail where you can see the yellow arrows. Right now, the trails are going through the sand dunes where all the traffic is, which is creating a lot of damage to the sand dunes. We were going to reroute the trail around so that our sand dunes can basically reform through our endemic plants and our seedbanks. And then those blue strips of land is where we're going to be grading our tree line, basically. These tree lines are the same thing as Scott was mentioning, and he's been a very helpful consultant as well, in

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creating mitigation for storm surge and providing an opportunity to kind of be resilient, you could say. And...yeah. This is pretty much what we teach. We have very committed volunteers who come out every Saturday. We've been hosting kūpuna, we've been hosting schools, we look forward to sharing our efforts with our other hui, and we want to keep growing as well, and basically just mālama all of our waterways. Mahalo.

CHAIR KING: Okay. Mahalo nui. That was great. Thank you so much. Great to see that update and, you know, this is...I think you folks are working every weekend, Koko?

MR. TUIVAITI: Yeah, we're pretty much out there every weekend. Right now the tide's been really low, and so we're trying to get a little group out there to come and check out the reef. It's the perfect time to get a look at our kahakai.

CHAIR KING: Okay, great. Well, I...what I would like to do right now is open the floor up to questions from the Committee Members, if you have questions for Mr. Fisher, Ms. Knox, or Mr. Tuivaiti. And maybe we'll do a two-minute round and...before we move on to the actual bill. We'll take our break after the two-minute round, and then we'll start discussing the bill after the break, and I think Planning should be here by then. So I'm going to start with our Committee Vice-Chair, Mr. Sinenci, and then I'll go to Member Sugimura and Member Paltin next, who had their hands up. Committee Vice-Chair Shane Sinenci, any questions?

VICE-CHAIR SINENCI: Mahalo --

CHAIR KING: No pressure.

VICE-CHAIR SINENCI: -- yeah. That's great. Mahalo to our panel today, Mr. Nemet, Mr. Fisher, and Ms. Knox. And mahalo for all of you, their work, the environment, and the presentations. No questions at this time.

CHAIR KING: Okay, great. Thank you so much. Member Sugimura.

COUNCILMEMBER SUGIMURA: I just...I know that you mentioned Michael Reyes as one of the resource, so I was wondering if we were going to hear from him before we get to questions.

CHAIR KING: We'll hear from him when we get to the bill. So he didn't...these are just presentations on the wetland projects that the County has funded.

COUNCILMEMBER SUGIMURA: Oh, okay. So I'll wait then. Thank you.

CHAIR KING: Okay. Thank you. Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Great presentations. Thank you so much, I mean, it really goes to show what people look at and what they see are two different things. My question would be for Ms. Knox. I was wondering, you know, the portion of the presentation where you said that you removed the fill. Where did you put the fill,

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and how did you remove it?

MS. KNOX: We did not remove fill, we removed invasive plants. We uprooted the plants and removed. But we actually...actually, we did not remove them from the site, we made berms out of them that protect the native plants from wind and other disruptions.

COUNCILMEMBER PALTIN: So you uprooted the plants and then, like, piled them up in strategic locations, and then it was --

MS. KNOX: Yeah.

COUNCILMEMBER PALTIN: -- kind of green waste berm?

MS. KNOX: Yeah. Over time they compress down and, you know, eventually rot away. But that was Dr. Fisher's recommendation for...there's all different ways to do restoration, and that's the method we're using is to remove the invasives so that the native plants that are already there have room and more water. And then, you know, we use those invasive plants to make berms around them, protects them from wind, and it kind of protects them from people walking through there too, because the berms are a little bit stinky and you wouldn't want to walk through them.

COUNCILMEMBER PALTIN: And how...what would...just curious, what was the methodology that you used to measure the volume in cubic feet?

MS. KNOX: We have a...I call it a roly dealy [sic], it's what surveyors use, it's a wheel, and you roll it along the length of it, and it measures that . . . *(timer sounds)*. . . and then we measure the height and the width. So, like, in that picture that we were looking at, it was...like one of the berms there, I meant to say that was, like, 20 or 30 cubic feet and we removed 12,000 cubic feet of the...and when I say remove, I mean uprooted and made into berms, 12,000 cubic feet. So that was the easiest way I could figure to measure. You can do weigh, you can do surface area, you know, but that was the easiest way we could measure it.

COUNCILMEMBER PALTIN: Fascinating. Thank you.

CHAIR KING: Okay. Thank you, Member Paltin. Next we have Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. This question's for Ms. Knox, but I'm...I might have questions for other presenters as well. The invasive species that you talked about removing, do you know what the majority type of them were? Was there one in particular? Do you see them in other place? Are they just kind of standard across South Maui, or are they hotel-based? I mean, where are our big invasive seedbanks coming from?

MS. KNOX: The main one is that Indian fleabane, which is a shrub, and it's very prickly and sticky, and it takes over everything. Like if you drive down South Kihei Road, you'll see, like, at the Welakahau Wetland, it's just completely obstructed with it, like, you can't

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even walk through there. And then there was also pickle weed, which is very prevalent in South Maui, and pretty much everywhere. The amazing thing is that those native plants are still there, if you give them space, and you pull those invasives out, so that they get more water. We even found...now that we recognize them, from what we've learned, we've found kipukai, like, growing in the cracks of sidewalks around this wetland. And that was one of the seedbanks that was there that after the flood, the kipukai just showed up everywhere because there was space for it.

COUNCILMEMBER JOHNSON: Thank you. I know the second part of my question is, you had a map up of South Maui, and you had several parcels that were Waipu'ilani South, Waipu'ilani mauka, like, all these different areas of the Waipu'ilani. Do you know if any of those parcels are owned by Maui County, or they're all privately owned, or various owners?

MS. KNOX: I believe all those are privately owned. But we did, under our grant, turn in an inventory and the actual maps, those are on a drive that I could send you the link to. The inventory actually has the TMKs on there, and who the owners are. So . . .*(timer sounds)*. . . that...that was . . .*(inaudible)*. . .

COUNCILMEMBER JOHNSON: Okay. It seemed to me that much of the lands that you folks are working on are privately owned, and that's surprising to me. Thank you, my time is up. Thank you, Chair.

CHAIR KING: Thank you, Member Johnson. Any other questions from the Committee? Next we have Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. No real questions, but just to say thank you to all of our presenters today. And I guess basically, I have one...how much outreach do you with our schools to get the kids out? Like Mr. Tuivaiti's presentation featured a lot of children, and that's a good thing because, you know, I teach for the Department of Education part time as a substitute teacher and, you know, getting our kids educated about the wetlands is so important. Because when I was growing up here in Maui a long, long time ago, we had no opportunities like this, or much less understanding of the importance of the wetlands. So any of our presenters, if you could --

CHAIR KING: Maybe Mr. Fisher.

COUNCILMEMBER MOLINA: -- share with us what kind of outreach you're doing with the schools. You know, I also substitute for Hawaiian immersion classes as well, so I think this would be so valuable to our kids to learn.

CHAIR KING: Okay, so maybe we can hear from Scott --

MR. FISHER: Yeah.

CHAIR KING: -- and then Cody.

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MR. FISHER: Yeah, aloha. And thank you for the question. So we run a number of education programs. We have...at Waihe'e alone, we have about, right now, averaging about 600 to 700 students coming out per month. The real exciting thing is we're also running a program in collaboration with the University of Hawai'i Maui College called the Ahapua'a Stewards, where we go around the island looking at the nexus between cultural stewardship and environmental stewardship. And so, in fact, I'm going out to Kaupō tomorrow to lead them on a Huakai Makaikai, and so that's a real exciting program, you know, 11 students who are dedicated to caring for our 'āina, which is a really exciting program that we've begun. So a number of them...and I'm happy to kind of go into more detail if need be, but a lot of them, and I know Koko has a lot of opportunities to talk about as well.

CHAIR KING: Thank you for that. Koko, do you want to talk about how you do the outreach to the students?

MR. TUIVAITI: Well, you know, I just want to add that when I was young, I remember that we had some of these opportunities where we were...where we would go out to the shoreline in both Kīhei and Kula kai and learn about, you know, our sea life, our marine life, and our limu, and things like that, but I have not seen anything like that in South Maui for a long time. And while we're still very new to this process . . .*(timer sounds)*. . . I think what makes it...I think what makes it amazing is that unlike our other moku, Kula kai hasn't really had this opportunity to really teach about our shorelines again, and about our wetlands. And the reason why I feel like we're able to really engage with Kamehameha Schools...so far we've been engaged with Kamehameha Schools, UH, Baldwin High School, but it's...they haven't had the opportunity to come to Kula kai, other than...you know, it was funny because when we had one of our speakers talking to the kids, he was like, what do you guys think about Kīhei, what you think about it? And the kids are like, oh, go out to dinner, or go to the beach, play, you know, but we providing them with another opportunity to come to Kula kai to learn about what Kula kai is, what our wetlands are, what our shorelines are. I think it's providing for Kamehameha Schools and all that, for them, they said that it's given them a opportunity to go to another moku that they haven't been to before to learn about that area, yeah. It's creating these ties, these networks, between Kula uka and Kula kai, yeah. And I feel like Kula kai has a great opportunity right now to really hone in on the culture, hone in on our valuable resources, and really teach about what makes this part of Maui pretty special...other than tourism.

COUNCILMEMBER MOLINA: Okay, yeah. Mahalo for the information. And if later on I could get some information from you folks that I can share with my fellow teachers in Upcountry Maui. I'd like to see if besides Kamehameha, some of the other public schools can participate as well. I think it would be wonderful...if could provide me some information I can share that...my fellow teachers. Thank you. Mahalo. Thank you, Chair.

MR. TUIVAITI: Mahalo.

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CHAIR KING: Thank you, Member Molina. That's a great suggestion. Okay, so if there are no other burning questions, what I'd like to do next is take our morning break. It's 10:31, so if we can take a ten-minute break, and then we'll come back, we'll dive into the bill. It looks like Director McLean is with us now, and we'll keep our resources on hand in case you folks have any other questions that might be relevant to the bill. Also, Mr. Michael Reyes is with us. But right now...okay, right now it's 10:32, so we'll come back at...how about 10:45, is that good for everybody? Okay, so we are in...the Climate Action, Resilience, and Environment Committee is in recess at 10:32, we'll be back at 10:45. . . .*(gavel)*. . .

RECESS: 10:32 a.m.

RECONVENE: 10:45 a.m.

CHAIR KING: . . .*(gavel)*. . . Will the Climate Action, Resilience, and Environment Committee please return to order. It is 10:45. Thank you, Members, for being so prompt. All right, we're going to dive right in. I want...first I want to thank our resource personnel, our presentations by Scott Fisher, Robin Knox, and Cody Tuivaiti. And then we also have with us still Mr. Reyes and Director Molina from Department of Public Works. And I think we are joined now by Michele McLean, Director of Planning Department. All right. So with that, we will direct our work towards Bill 91 (2022). And Members, because we have a ASF replacement, what I'd like to do first is have a motion to pass on first reading Bill 91 (2022) entitled "A BILL FOR AN ORDINANCE AMENDING TITLES 2, 18, 19, AND 20, MAUI COUNTY CODE, RELATING TO WETLANDS RESTORATION AND PROTECTION," allowing Staff to make any nonsubstantive revisions, and filing of Communication 21-358.

COUNCILMEMBER JOHNSON: So moved.

VICE-CHAIR SINENCI: Second.

CHAIR KING: Okay. Moved by Councilmember Johnson, seconded by Councilmember Sinenci. And then...and this is...and the purpose of this is just to go into the ASF just to make a motion to substitute Bill 91 (2022) with the attached proposed CD1 version. And then we'll all be looking at the same version of the bill. Is...can I get a motion to move to substitute Bill 91 (2022) with the proposed attached CD1 version?

COUNCILMEMBER PALTIN: So moved.

VICE-CHAIR SINENCI: Second.

CHAIR KING: Okay. Moved by Councilmember Paltin, seconded by Committee Vice-Chair Sinenci. So, Members, we are looking at the CD1 version of Bill 91 (2022) incorporating any proposed amendments. Based on a review of the Planning Commission's comments, and input from wetlands experts and the public, I will be substituting the proposed CD1 version of Bill 91 (2022) that incorporates the technical revisions and clarifies the following: the bill's intent, permitted uses, the deadline for the Planning Director to

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prepare a wetlands map, that wetland boundaries must be determined by the presence of two or more of the three wetland indicators listed in the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual, and the 2012 Regional Supplement to the Corps of Engineers Wetlands Delineation Manual, Hawai'i and Pacific Islands Region. This ASF will...and I believe a couple of the testifiers were not looking at this version, and that we've addressed some of those concerns in this version, Members. I'm going to check with Director McLean because I saw your hand up. Do you have this version in front of you?

MS. MCLEAN: I do --

CHAIR KING: Okay.

MS. MCLEAN: -- and it's really problematic. I was hoping to speak before you made the motion.

CHAIR KING: Well, we're going to go through the bill so if you want to wait until we go through the bill or do you want to have...do you want to speak first?

MS. MCLEAN: It...

CHAIR KING: Let me finish my description of what we're doing because we do recognize that the OCS attorneys and Corporation Counsel both agree that the wetland overlay is a zoning map. And I know the Planning Department has a problem with that, so there's a little bit of a difference of opinion, but we've...we are aligned with Corporation Counsel, I'm told, on that. Also, the expansion of the definition of the wetlands for Maui addresses the concerns of the folks you heard today who are doing wetland restoration projects, where identifying with the Army Corps of Engineers guide to help determine how to map the wetlands. And the other issue that came up in the Planning Commissions was protecting cultural practices, so that was a very important part that we added to the bill. And we...so we're going to start going through it. Did you want to make comments after, Director? After we start going through it?

MS. MCLEAN: I would like to, if I may, Chair, make a couple of comments now.

CHAIR KING: Okay.

MS. MCLEAN: And the issues aren't with the substance of the bill and the things that you mentioned in your remarks. I want to make it clear, we support the idea, we want to work with you to come up with a bill that we can administer. My comments today, and comments moving forward, are going to be about our ability to effectively administer the bill. We want to make sure that it's going to work, and that we can administer it. So we...you know, the revised bill that we sent back has the procedures that make sense to us to administer. It relates to the definition of wetlands, it relates to the report that needs to be produced, it relates to the relationship in your ASF of how the policy and decisions work together, that's very vague. We need standards and criteria. There is not a process in the bill to establish an overlay. It calls for a map of wetlands, but

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there's not process in the bill to actually establish an overlay. And 180 days to create the map is completely unrealistic. That's just setting the Planning Department up for failure. So those are just some general comments right now. I just want to emphasize, we want to work with you to come up with a bill. The substance is fine, and the intent...all that's fine, it's the way that the process will work that I'm concerned about. Thank you, Chair.

CHAIR KING: Okay. Well, I appreciate those comments and I'd actually like to have James Forrest, maybe, respond to those comments. OCS worked really hard on this bill with Corporation Counsel. So, Mr. Forrest.

MR. FORREST: Thank you, Chair. I'm having problems with my video.

CHAIR KING: We see your...

MR. FORREST: I also...

CHAIR KING: We see your virtual background.

MR. FORREST: Yeah. Let me...

CHAIR KING: But we can hear you.

MR. FORREST: Okay. So I think that's actually good news because, you know, we're close to having a bill that works for everybody and, you know, we can be open to amendments that move us in a positive direction. I would say, you know, what wasn't mentioned is that how this would be established would be through the change of zoning ordinances that the PSLU is used to dealing with. Whenever a property is in an area that's identified in a map, the change of zoning ordinance would require additional restrictions. And I think there's a semantics difference here. Whenever...I believe the Planning Department is saying this is not a zoning district, but an overlay...a zoning overlay. And it's my opinion that a zoning overlay...it's just a different way of saying a zoning district. I think overall, the bill that is before you today incorporates improvements that were made during the Commission review process, but I do still think that we're very close to or...you know, the issues identified by the Planning Department can be ironed out with a little bit of discussion and clarification.

CHAIR KING: Okay. So, Mr. Forrest, would you be recommending that you kind of go back to meeting with the Planning Department to iron those out, or is it that we're at a point where we can do the review of this bill?

MR. FORREST: Oh, I'm sorry, Chair, yeah. I didn't mean that we needed to go back. Just saying that any change that needs to be made can be made either through the Committee process or at Council, preferably the Committee process. And the changes, while...I don't think the changes are that significant. I would like to just put before the Planning Director the idea that this process...the intent of the process is to create these additional zoning districts, or overlay districts, by a change of zoning ordinance, and if

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she considered that, or if we need to clarify that more in the bill.

CHAIR KING: Okay. Director.

MS. MCLEAN: Well, that answers the question of how they would be established, but I believe the bill is specific that says the underlying zoning remains. So I don't know what the change in zoning ordinance would be because it's not changing the zoning, it's...I don't know, adding a zoning. I mean, this isn't an insurmountable thing, and maybe some of it is semantics, but if something is a zoning district, that provides the uses and standards of what you can do in that zone. Then there are layers, like SMA, like flood, and I was imagining like wetlands, and Councilmember Sinenci's working on culture. So the zoning remains, but you have these layers of additional regulations or protections. So I don't really care so much what we call them, but I think the intent all along was to leave the base zoning, whether it's residential or commercial, but add this additional protection. And that could be done by ordinance, it...you know, it's not clear to me, but I don't know that it would be a change in zoning ordinance because that zoning is staying the same. Maybe I'm misunderstanding it, but that's what I'm trying to reconcile. The zoning stays the same, these are additional protections or regulations.

CHAIR KING: Okay. Well --

MS. MCLEAN: I don't...

CHAIR KING: -- how about if we...how about if we do this. Let's go over it. Because I think the section you're talking about is where...is the description of overlay district, because that's where it says means an area where certain additional requirements are superimposed upon a base or underlying zoning district, where the requirements of the base are underlying district may or may not be altered. So if we can maybe go through...Director, we'll go through the bill, and when we get to some sticking points, we can try to iron them out. Okay? Well, the first part of the bill is the section 1, which is the purpose. I'll just go...if you can bring that up, Staff, we'll just start going through the purpose of the bill.

COUNCILMEMBER LEE: Chair.

CHAIR KING: Oh, Chair Lee.

COUNCILMEMBER LEE: Yeah. As we go through the bill, could we hear from Public Works as well as Planning, rather than --

CHAIR KING: Sure.

COUNCILMEMBER LEE: -- go back, you know, each time.

CHAIR KING: Sure.

COUNCILMEMBER LEE: Okay.

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CHAIR KING: I...what I want to do is just kind of go through sections of it at a time and see if anyone has any questions of the Departments or of our resource people.

COUNCILMEMBER LEE: Okay. Thanks.

CHAIR KING: We'll try to go...I want to go through the intent, which is pretty clear, and if anyone's got any...but, you know, we'll go through a section at a time, and then if you have any questions, just speak up and tell me who's...I can't see all your faces right now, so just speak up and tell me who's asking the question. Okay. Scroll down. Okay, here we are. So this is the CD1, Bill for an Ordinance Amending Titles 2, 18, 19, and 20, Maui County Code, relating to Wetlands Restoration Protection. Be it ordained by the people of the County of Maui in section 1, the purpose of this ordinance is to preserve and protect sensitive ecosystems in the natural environment, mitigate climate change, and work toward building environmental resilience by establishing a policy for wetlands restoration and protection in Titles 2, 18, 19, and 20 of the Maui County Code. The Council finds that the Maui County General Plan provides the following directives--and you see the full...four bullet points. The first one is restore and protect wetlands. That's the Countywide Policy Plan, page 46. The second bullet point, preserve existing wetlands and improve, restore, and restore degraded wetlands. That's the Maui Island Plan, pages 2 to 31. The third bullet point, support the protection and restoration natural system, such as wetlands and dunes, for flood mitigation and climate change, adaptation...and that's from the Moloka'i Island Community Plan, page 55. And four...the fourth bullet point is natural landscape features and environment, such as wetlands, will be protected and restored. That's from the Lāna'i Community Plan, pages 2 to 12. Protect all wetland...the last bullet point, protect all wetland resources, and that's from the Kihei...the existing Kihei Community Plan, page 21. Despite these directives, which were enacted in ordinances from 1998 to 2016, Maui County did not have requirements for wetlands restoration and protection prior to this ordinance. Maui County policy is necessary because the Clean Water Act does not regulate certain isolated wetlands or reflect County-specific goals for protecting and enhancing environmental resilience by preserving environmentally sensitive ecosystems, such as wetlands. The Council's intent is to protect all wetlands in Maui County, including those that are not adjacent to navigable waters. This ordinance amends the following titles of the Maui County Code. Title 2, Administration and Personnel. Require the conservation planning committee to review wetlands for possible acquisition. Title 18, Subdivisions. To ensure wetlands are restored and protected in the subdivision process. Title 19, Zoning. To update the comprehensive zoning ordinance to establish the wetlands overlay district. And Title 20, Environmental Protection. To require a grading permit in the wetlands overlay district. That's section 1. Does anybody have any issues or can we move on to section 2? Okay. Moving on to section 2, at the bottom of the page, section 19.04.040, Maui County Code, is amended by adding the following definitions. Okay, and if you go to the next slide. Overlay district means an area where certain additional requirements are superimposed upon a base or underlying zoning district, and where the requirements of the base or underlying zoning district may or may not be altered. Protective buffer means an area that surrounds wetlands and established...and is established to avoid significant negative physical or chemical

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impacts to wetlands. Wetland means those areas that are currently or were prior to any human-caused alteration, such as filling, introduction of invasive species, human-caused alteration inundated or saturated by surface or groundwater, and are frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and estuary systems, flowing intermittent or ephemeral streams and associated drainages, and similar areas, but does not include agricultural ditches or reservoirs. Okay, so anyone...anybody have any...and feel free to speak up, Director McLean, because I can't see anybody's face.

MS. MCLEAN: Thank you, Chair. If I could ask one of our Planners, Erin Derrington, to come in on that. She has an extensive history with ecosystem management and wetlands, and was one of the Staff people who took the bill through the Commission. So --

CHAIR KING: Okay, great.

MS. MCLEAN: -- if she can comment on the definition, that would be great.

CHAIR KING: Okay, sure. The definition of...all those three definitions, or the definition of wetland?

MS. MCLEAN: Just wetland. Thank you.

CHAIR KING: Okay.

MS. DERRINGTON: Aloha, County Councilmembers and Chair. My...and apologies, it appears I'm also having similar video issues, but hopefully the audio is all right. So just to --

CHAIR KING: It's fine.

MS. DERRINGTON: -- thank you. Thank you. Just to comment, as Director had identified, there are some concerns regarding mapping as this definition is currently proposed, in that it is difficult to identify wetland areas that are currently in existence, let alone wetland areas that existed historically. And that is because, as some of the testimony you heard this morning detailed, there are parameters that wetland scientists look at to determine the existence of a wetland currently, and there is a very detailed protocol that is established in U.S. Army Corps of Engineers guidance to look at historic filled, altered wetlands, and that entails doing a in-depth soil analysis, and that is something that is beyond the technical capacity of many subject-matter experts, and requires considerable time and investment. So I would suggest that perhaps areas that were previously identified as wetland could be something that could be mapped in future undertaking, but if the goal is to expedite the production of a map of current wetland systems, it may be more expedient to look at currently available data, and then create a program to help identify and restore past systems. But I would be happy to comment on that further if you'd like. Thank you.

CHAIR KING: Okay. Well, let me call up Mr. Forrest because I think that was actually the

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intention. I'm not sure if it's delineated elsewhere in this. Mr. Forrest.

MR. FORREST: Hi. Thank you, Chair. You know, we added the section about preexisting or previously existing wetlands after hearing from the public in the Commission review process. And that identifies the fact that, you know, if you map out existing wetlands, it's not going to take into account certain properties that previously were wetlands. And I believe after discussing the issue with you, Chair, you explained that, you know, you would like the designation to be attached to land that might already have some development on it so that the wetland criteria or restrictions could be used to prevent further development. That was added at the request of the public during the Commission review. I understand that it is a change...it's...it is an addition specifically designed for our Maui history, and so I understand why there would be a question over it from the Planning Department.

CHAIR KING: Okay. Any thoughts on, I think, what the suggestion was from the Planning Department as far as the timeline to get started on this. I mean, I don't think anyone's expecting that, you know, in 180 days you're going to have the entire island mapped out, but so the...can you just maybe speak to that, Forrest?

MR. FORREST: Yes. Thank you, Chair. I believe...so I'm just going to punt this over to, I believe, Mr. Reyes. Because we discussed this in meetings where wetland delineation does take a lot of time and effort, but a lot of these properties or parcels have already had delineation approved, and it's like current delineations. So the thought process would be to establish a map...maybe you could say to the best of their ability as...or based on, you know, current information. But they would, you know, go and adopt a lot of information that was already delineated. And Mr. Reyes, if he's on the phone, I would like you, Chair, to maybe ask him to fill in the blanks. Apologize, I'm not a wetland or a expert or delineation expert.

CHAIR KING: Okay. That's fine. Mr. Reyes, you want to chime in.

MR. REYES: Yeah, thank you. Thank you, Chair. With...you know, with regards to existing wetland boundaries, I think that it would be wise to reach out to the Army Corps and to request any jurisdictional determinations for Maui County. I realize that...I think the intent of this bill is to go beyond what the Army Corps considers jurisdictional, and so certainly, those boundaries would be the start, similar to the boundaries depicted by the National Wetlands Inventory in the files that are accessible now. And so it would be a start of where boundaries exist, but I think the intent of this bill is to map wetlands in a more restrictive fashion than is being conducted by the Army Corps of Engineers. And then to the other point of, you know, wetland definition, including wetlands that occurred prior to human-caused alteration, I think I...you know, I brought up that same point. It would be very difficult using accepted methodologies that are being employed today to go back and capture, you know, wetland lines accurately that have been historically impacted or altered. There's ways of going about it, but as Erin said, those methods are in addition to, you know, your common Army Corps of Engineers wetland delineation methods.

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CHAIR KING: Thank you, Mr. Reyes. Director, any further comments on this section, or --

MS. MCLEAN: Erin will --

CHAIR KING: -- Erin?

MS. MCLEAN: -- comment as well. Thank you, Chair.

CHAIR KING: Okay.

MS. DERRINGTON: Thank you. Just to expound further on that. So I have had discussions with the U.S. Army Corps of Engineers, which does not consider delineations valid for more than a five-year period. They do not have a comprehensive map of the previously delineated wetlands in Maui County. And so even compiling the past delineations at the Federal level would be challenging. And as Michael identified also, that is restricted to areas that were determined to have jurisdictional determinations or Federal nexus. So the definition that is before us is much more extensive than that, and so that would be certainly a data point. We also have the data point of the National Wetlands Inventory from U.S. Fish and Wildlife, which is focused on vegetation, and is derived from mapping that was done in the 1980s and '90s, which does not necessarily reflect current site conditions. And so we could certainly create a base map reflecting best available data; however, that would not be sufficient to definitively identify the current site conditions. And so a program that would establish a buffer around the known areas and require a site inspections and delineations would provide, I think, for a more consistent mechanism for identifying and addressing wetlands and restoration and protection goals that are outlined here.

CHAIR KING: Okay. So you're basically suggesting that we would establish a base map of known wetlands under this definition, and then possibly go forward with trying to delineate a wider mapping of wetlands, you know...because our...because the bottom line of this is that the Army Corps of Engineers definition of wetlands is really not acceptable to folks on Maui, and we heard that very extensively from both the Moloka'i Planning Commission. And so we wanted to make sure we were recognizing areas, you know, like we heard from our presenters today, that may be dry, and people don't think they're wetlands anymore, but the underlying table is there, the underlying seedbank is there. So is that something that would take, you know, maybe putting out a contract to...for someone to...for, you know, professionals to come in and fill in the blanks, basically?

MS. DERRINGTON: So I did have the experience of delineating public wetlands in the Northern Mariana Islands for about 700 acres of wetland in a process that took...is ongoing, and took about five years to establish some baseline information. And so if you are looking for identification of wetland boundaries, yes, having technical Staff at the Planning Department or having a contract to identify, perhaps, priority areas where such an undertaking could start would be a very helpful next step in terms of supplementing the existing information that we have accessible from the Federal and State levels.

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CHAIR KING: Okay. So can we put a pin in this here and come back to that then? Is anybody...any Committee Members have any questions on this?

VICE-CHAIR SINENCI: Chair.

CHAIR KING: Go ahead and speak up if you have a question. Or we can go back to...maybe we can stop share for a minute and just go back to the Committee, Staff, and see if anyone has any thoughts on this. Mr. Whittaker? Oh, I'm sorry, we have our Vice-Chair...our Committee Vice-Chair Mr. Sinenci.

VICE-CHAIR SINENCI: Yeah, thank you, Chair. Just wanted to add to the *(audio and video interference)* on archeology. So I think if maybe possibly the Planning Department, working with those other departments that are already using GIS technology to create these maps because we had this very similar discussion on Monday in our Healthy Communities meeting.

CHAIR KING: Okay.

VICE-CHAIR SINENCI: Thank you, Chair.

CHAIR KING: Great, thank you for that comment. We have Mr. Whittaker here from Corp. Counsel.

MR. WHITTAKER: Thank you, Chair. I sent some comments to the Committee Staff yesterday about this definition, and I'll put alternative language in the chat that might be helpful. I haven't run this by the Planning Department. I did forward it to them. I think this alternative definition may help capture what you're trying to achieve. And this is modeled after a California ordinance. So it would be inclusive of areas that have some historic presence of hydraulic or substrate or vegetation conditions, and also would capture areas that have some seasonal variation in...of wetlands. So this is just an alternative for --

CHAIR KING: Oh, maybe.

MR. WHITTAKER: -- Planning to consider, and the Committee.

CHAIR KING: Okay, great. Planning, do you have any comments on that? It's in the chat. So for the public, the proposed...oh, there's Erin. We can almost see you through the ocean there. We...so for the public, the proposed language would say, "wetland means those areas that under normal circumstances are inundated or saturated. Normal circumstances means the hydraulic substrate and vegetative conditions that are present in the absence of altered circumstances. Normal circumstances include natural seasonal and inter-annual variations in hydrology substrate and vegetation conditions. Natural, purposeful, or inadvertent conversion of a non-wetland area into a wetland area can cause new normal circumstances." And so, Keola, are you proposing that this substitute the paragraph...the current paragraph we have in the...in this version for wetland?

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MR. WHITTAKER: Yes. So you would take out “are currently or prior to any human-caused alteration,” replace it with “the normal circumstances.” So I think that would help the Planning Department not feel like they had to go back to, you know, prehistoric times or...but just to capture as much as they can in terms of a wetlands definition that is inclusive of areas that may have been altered.

CHAIR KING: Okay.

MR. WHITTAKER: But I want...you know, the Planning Department should speak to that, if this is acceptable.

CHAIR KING: Okay. Let me go to Chair Lee, she...you have a question or comment?

COUNCILMEMBER LEE: Thank you, Chair. Question for Corp Counsel. What if we have a property identified, let's say in South Maui, that is occupied by a residence, and it...the residents wants to add a bedroom or add something to the property and it's determined that this area was previously a wetland. What happens in that case?

CHAIR KING: Mr. Whittaker.

MR. WHITTAKER: Well, that could be a serious issue, depending how the mapping goes and what criteria the Planning Department uses for mapping. It could be considered, you know, if they can't use the property anymore for a residence that...you know, that could be a regulatory taking. So it's not...

COUNCILMEMBER LEE: Okay. So my concern is those who might be affected by this new ordinance, yeah, should be notified somehow. Is there a way we can do that?

MR. WHITTAKER: Yeah. My understanding of the current bill, although it's vague, is that the first thing that happens is the mapping. And this particular bill doesn't actually create the overlay district, but that's going to be done by a separate ordinance. This bill says the Council may create the overlay district. And I think the intent is that will be done after mapping. So I think the mapping happens first, and then the people who will be affected should be notified. And one thing I talked to the Director of Planning about is perhaps an appeal process. So if people feel as though they've been identified in the map, but they...they are not a wetland, that there's some process for them to provide other scientific evidence.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR KING: Okay. Thank you, Chair. And the...you know, the intent of this is not to take anybody's property away from them if they've already got it built. So...but, Director McLean, you have any comments on the definition that's in the chat?

MS. MCLEAN: Thank you. Keola said, in response to the question, it depends on the criteria the Planning Department will use for mapping. We shouldn't be the ones deciding what

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criteria to use. That should be in the bill. That...you know, that's...so I just...I want to make that clear that the...that's what part of my comments are, is trying to make this as clear and as easy to administer as possible so that we're not making those decisions. Those are for the Council to make. Having a definition for normal circumstances...I don't think we need to go that far. That's kind of getting off into the weeds. The original definition was just wetlands means those areas that are inundated or saturated by surface or groundwater et cetera. That, to me, suggests normal circumstances. I would rather work on that to say those that are regularly, or periodically, but defining normal circumstances just gets into a whole 'nother definition that we'll have to administer, and I don't think we need to make it that complicated. I appreciate the clarification, but I don't know that we need to get that complicated.

CHAIR KING: Okay, so you prefer the definition that's in here already?

MS. MCLEAN: Just the deletion of the "or prior to any human-caused alteration."

CHAIR KING: Okay. That...and that's one of the areas that we heard pretty strongly from testifiers, that because some of the areas that are not considered wetlands are not considered wetlands because of human alteration but, you know, culturally, we still consider those areas wetlands because there's a substrate there. Sometimes there's vegetation there. There could be a seedbank there. And so we don't want to lose the areas where the wetlands could, you know, come back under normal circumstances. So that's where...that's one of the underlying reasons for this bill, is to make sure that we have a definition that . . . *(inaudible)* . . .

MS. MCLEAN: Understood. And that's what Erin was explaining though, that is a much more complicated and technical process than mapping existing wetlands. So maybe it can be done in two phases, you know, the initial phase relatively quick to map current wetlands, and then another phase to map prior ones. And I...Erin's chomping at the bit, so I'll shut up and let her talk.

CHAIR KING: Okay, well, let me let Mr. Forrest make a comment, and then we'll go to Erin.

MR. FORREST: Okay. Thank you, Chair. Specifically to address Chair Lee's question. I do think if it was enacted as is that that homeowner, if they are now in a wetland district, they would have to apply for a variance to build on an additional room. There would not be a condemnation of the existing use, you know, we're not talking about taking down people's homes. But if they did want to build something else, that would be subject to a variance, in my understanding. Now, as far as the definition is concerned, the...there are three factors determine the delineation of a wetland, and as you'll see later on, we're saying that you only have to meet two of the three. So we are adopting...or proposing to adopt the Army Corps of Engineers standards for delineation, but those are stricter than what we've heard from the public that they want. So by...so to accommodate that, to make it less restrictive, we're saying you only need to meet two of those three criteria. So that...those are just issues that came up recently. I do think what we're hearing from the Planning Department is workable, and I think that, you know, we can make amendments to help them with the timing, and I don't think...that's

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not a problem or something that we can't overcome, you know, today or in the near future.

CHAIR KING: Okay. Thank you, Mr. Forrest. Okay, Ms. Derrington.

MS. DERRINGTON: Thank you, Chair. And I have a few items I was hoping to be able to unpack a bit more here regarding the definition and the trajectory of mapping environmentally sensitive systems, which I know is something that's been of interest to the Council, and is something...is a project that the Department has been supporting. So we actually worked with the CCRS, the Climate Change Resiliency Sustainability Office, to develop a project that would support mapping of environmentally sensitive areas in Maui County based on existing data, and then develop new data to address gaps. And that would encompass existing wetlands, as well as...you know, the environment is broadly defined here, so it would include cultural and sensitive areas as defined by cultural practitioners. And that was an area that we discussed with the Planning Commissions at great length, particularly on Moloka'i. But, frankly, all of the Commissions were very interested in seeing that cultural aspect, it's just the existing data that we have does not quite capture that. And so starting with the known hydrology, with the known vegetation cover and soils, which are the three parameters in the wetland definition, and building from that to incorporate current and historic knowledge from cultural practitioners would provide a robust program that would address the policy goals that were described in the community plan. That being said, that is going to be a...need to be a robust process. It will need to involve many community members and representatives from various areas in order to identify and map those areas. And so that will take some time. And so the suggestion that the Department has put forward, and the commissions were supportive of, in defining wetlands in their current state, would provide a layer that is the current wetlands map. And that layer could continue to be built on to incorporate environmentally sensitive systems, which would include many of the drainage ways that perhaps do not meet the current definition of two or three parameters moving forward. And so I would suggest, as proposed...the definition that came back before you does allow flexibility in applying Army Corps guidance to not just look at the three parameters, but to look at any of those parameters because of the chapter 5 guidance in the manual that talks about delineated problematic wetlands. It talks about digging down to original soil layers when you have a wetland that has been impacted or significantly altered such that the vegetation hydrology's no longer there, which is, again, the case for many of the wetlands. So...sorry, that's my two cents. Thank you.

CHAIR KING: Okay. But is that...so you're...but...so that seems like it doesn't conflict with our idea of two out of the three parameters because you're saying any one of them could be used?

MS. DERRINGTON: In the Corps chapter 5 guidance, they can rely on just one parameter on highly altered sites. And so not limiting to a specific number of parameters, but rather deferring to the current Corps guidance may be a easier to implement approach.

CHAIR KING: Okay. I think that's in your...Mr. Forrest, is that...didn't you put...let me find

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that section where we referred to the Army Corps of Engineer Guide to determine mapping.

MR. FORREST: Yes, thank you, Chair. And again, Ms. Derrington clearly knows more about this than I do. I did hear something in particular though. You know, we have in here two of the three standards, and you're saying that in the standards, there's a system where you only have to use one of those standards. But you called it something special, where it's a hard to identify or something? What was that?

MS. DERRINGTON: Problematic.

MR. FORREST: Problematic. Okay. So my question, and pardon me for the direct dialogue, Chair. We...it seems as though we would like to keep...or consider keeping two of the three criteria for issues...or for land that is not problematic, that we could consider adding one criteria if it is problematic.

CHAIR KING: I see head nodding. Okay. We have a question from Member Paltin. Member Paltin?

COUNCILMEMBER PALTIN: Can you hear me?

CHAIR KING: Yes.

COUNCILMEMBER PALTIN: Okay. Thank you, Chair. I just was wondering--I guess somebody from the audience texted me--and I was wondering would it be possible to make, like, categories of wetlands? They texted me a link to how Thurston County, Washington's code is for wetlands and, like, the different mitigations and adaptations. And I just was wondering if, like, you know, instead of reinventing the wheel, we could do something along those lines.

CHAIR KING: Is that a question for Ms. Derrington? It looks like she would like to answer.

COUNCILMEMBER PALTIN: Sure, I...now that she's not a hulk anymore, that's cool.

CHAIR KING: Ms. Derrington.

MS. DERRINGTON: Thank you for the question, and I am familiar with the various county ordinances of Washington State. Many of the coastal states have robust wetland programs. And when I was working in the Northern Mariana Islands, we took a similar approach that included basically developing a rapid assessment methodology, which is an approach that you see reflected in the revised version of the bill that identified standards and management goals essentially. And so that was developed in coordination with wetland experts and community practitioners. The community at large talk about areas that are valuable, the particular uses that these wetland systems serve. And so, yes, that can be developed, it just takes some time. And I think that is why the Department was proposing the programmatic approach that you see in the revised bill, is to establish that baseline mapping, and then the engagement framework

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and the guidance through this bill to articulate some of the values that you would like to see in a more robust mapping valuation and management program moving forward. But I hope that answers the question...and I'm also glad I'm no longer green. . . .(laughing). . . Thank you.

COUNCILMEMBER PALTIN: If I could follow up, Chair.

CHAIR KING: Sure.

COUNCILMEMBER PALTIN: And maybe this is more for Director McLean, but, you know, if Ms. Derrington is the one to answer. Would it also be possible to contract that work, or this mapping and everything out to, like, a wetland expert, you know, if it's unrealistic for the Planning Department to be able to make any headway in six months? I don't believe, in reading this bill, we're saying like, you know, Erin and Michele need to sit down and do something. Like if it could be contracted out, and to someone whose only responsibility is to do that.

CHAIR KING: Ms. Derrington?

MS. MCLEAN: Oh, Chair.

CHAIR KING: That's actually a question for Director McLean. You're the...

MS. MCLEAN: Thank you.

CHAIR KING: You would be the one contracting.

MS. MCLEAN: Yeah. Absolutely, it could be contracted. But keep in mind that it'll take time to craft an RFP. Then the RFP has to be posted for 30 days. Then we have to enter into the contract. Then the contract has to be managed. A contractor might need subs. It's an extensive process. Six months...you know, we'll be lucky if we have a contract underway in six months. So...and Erin internally sent me a comment saying it should also be interagency. And I agree with that. So, yes...

CHAIR KING: What do you mean by...what do you mean by interagency? You're not talking about contracting with another agency within our County, are you?

COUNCILMEMBER PALTIN: . . .(inaudible). . .

MS. MCLEAN: No, collaborating with other agencies that would be affected by these regulations.

CHAIR KING: All right. Okay. Okay, any comments on that, Mr. Forrest? Or is...two things, you know, categorizing the wetlands and...I think putting out an RFP makes sense. But what was the...can you just talk a little bit about what the 180 days was based on?

MR. FORREST: I think that was based on the discussion...the back and forth with Mr. Reyes.

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And I think it's clear that...I think...I guess the discussion that I wanted to have with you guys is that, you know, there's obviously low-lying fruit, okay? And putting out something in, you know, as soon as possible of information that's known and the discussion of, like, the current delineations, they expire in five years. But there are some that are not expired. And so to get those and have an initial map, I'm completely on board and I...after, you know, hearing the discussion today, more time could be granted, you know, across the board, or even we can have some type of initial map and then add to that map. And it's not a problem, and all of that...you know, again, these aren't real legal concerns, these are just policy concerns and, you know, it's good that we're hearing them today.

CHAIR KING: Okay. Any other thoughts or questions? Committee Vice-Chair Sinenci, followed by Councilmember Johnson.

VICE-CHAIR SINENCI: Chair, yeah, I just also wanted to add, you know, I know Mr. Perez had come on and asked about inputting language about the traditional historic knowledge as some of our panel had included. And so I don't have access to West Maui Community Plan at the moment, but I think he referred to the West PAC as having similar language when it comes to historic...traditional historic knowledge.

CHAIR KING: Okay.

VICE-CHAIR SINENCI: Thank you.

CHAIR KING: Thank you. Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I assume...I think this question will be for Mr. Forrest. So Chair Lee asked a very interesting question in regards to, you know, what if a builder wanted to build on their land that was designated a wetland. So when I think of the recent Waipuilani projects, they would be building on a wetland. So then my understanding, according to what Mr. Forrest said, is they would be needing a variance. And if they needed a variance, who would be the body to issue it? Would it be the County Council for this particular example, or would it be the Board of Variances?

CHAIR KING: Mr. Forrest.

MR. FORREST: Thank you, Chair. As currently written, I think it would go to the Board of Variances.

COUNCILMEMBER JOHNSON: Okay. All right. Well, that's my only question.

CHAIR KING: Okay.

COUNCILMEMBER JOHNSON: Thank you. Thank you, Chair.

CHAIR KING: Thank you, Councilmember Johnson. Okay, Members. My thought is that we should defer the bill for now and go back to...you know, work these...massage the bill a

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little bit, work these issues out with Planning so that they're comfortable. I think they do really support the bill, the concept of the bill, and want to move forward, but if we can work out the details and bring back a clean bill for everyone to review. I think one other thing that happened was we got some comments from the public about the previous bill, not even the CD1. And so there are things that are in this CD1 that really took care of some of those concerns. So if we can post a clean bill. I'm not going to do it on the next meeting because I want to really take up the other pressing issue of the...you know, the...that you folks punted to me on the last Council meeting. So we can bring this back in the next Committee meeting in...the first one in August, if that's okay with everybody. Anybody have any objections to that? I mean, I'd like to post both of them but I don't know that we'll get through both. Maybe I'll try to post it, and then see what...see if we get through it. But is everybody okay with that, with us deferring this for now, trying to get to a clean bill so that we can bring back something that everybody's agreeing on, and all the details get worked out?

UNIDENTIFIED SPEAKER: . . .(*inaudible*). . .

CHAIR KING: So what I'll do is...let's go ahead and withdraw the motion for now. Let's see, the main...I guess there was a main motion, ASF, if everyone can withdraw.

VICE-CHAIR SINENCI: Withdraw.

CHAIR KING: Committee Vice-Chair withdraw. And the second, I think, was Mr. Johnson on the main motion.

COUNCILMEMBER JOHNSON: Member Paltin, but --

CHAIR KING: Okay.

COUNCILMEMBER JOHNSON: -- I withdraw --

CHAIR KING: Member Paltin.

COUNCILMEMBER JOHNSON: -- the original if we're going back two paces.

CHAIR KING: Okay. Does anybody have an objection to just withdrawing the motion and the motion to amend?

COUNCILMEMBERS: No objections.

CHAIR KING: Oh, okay. Okay, so we'll...but then I...it was a really good discussion, and I really appreciate...really makes me appreciate this Council when you see these projects that we've been funding, these wetland restoration projects that folks are doing in South Maui and Waihe'e because that would not be happening if it wasn't for this Council funding it. So I hope you guys are all...just know how much the public appreciates the Council moving forward on the actual projects as well. And we'll work on...we'll work out the details of this bill, bring it back. We'll post this bill, and we'll make sure that

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everybody on this meeting--all the testifiers and all our resource people--have the correct version of the bill to look at before the next meeting that we hear this bill so everybody's looking at the same...because I think that we may have been looking at this version, but not everybody who testified was. And if no...and then unless there's any other...anybody wants to bring up any other discussion on other parts of this bill at this point. Director McLean? We're going to work directly with you on this so, you know, we can kind of flesh out...

MS. MCLEAN: Yeah. If you'd like, we can initiate a meeting with you and Mr. Forrest and Erin and me.

CHAIR KING: Yeah, that'd be great.

MS. MCLEAN: Let me know if there's anyone else you need involved.

CHAIR KING: Okay. Really appreciate that.

MS. MCLEAN: Yes. Thank you.

CHAIR KING: Okay, thank you. All right. Staff, any other business for today?

MR. LEAUANAE: Nothing further, Chair.

CHAIR KING: Okay. So with that we will...with no objections, we'll defer this item.

COUNCILMEMBERS: No objections.

ACTION: DEFER pending further discussion.

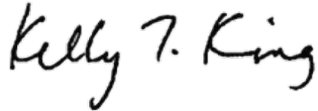
CHAIR KING: Okay. And then that way, when we bring it back, it'll be a cleaner version and a newer version, and then the testimony will be on the...just the new version hopefully, and then we can move forward. So with that, it's 11:40 a.m. on June 29th, and the Climate Action, Resilience, and Environment Committee Meeting is adjourned. . .
.(gavel). . .

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ADJOURN: 11:40 a.m.

APPROVED:



KELLY TAKAYA KING, Chair
Climate Action, Resilience, and
Environment Committee

care:min:220629:cs

Transcribed by: Crystal Sakai

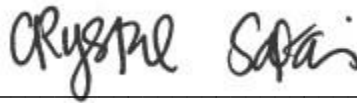
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CERTIFICATION

I, Crystal Sakai, hereby certify that pages 1 through 46 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 2nd day of August 2022, in Wailuku, Hawai'i.

A handwritten signature in black ink, appearing to read "Crystal Sakai", is written over a horizontal line.

Crystal Sakai