

Aloha Volunteer CPAC Members,

3/12/23

Mahalo for all your dedication and countless hours to serving S. Maui.

As stated in my earlier testimony, please follow through on the request to:

Purchase wetlands TMKs 3-9-001-162, 3-9-062-019, 3-9-001-164, 3-9-001-007, 3-9-059-001, 3-9-058-061 and 3-9-046-011 and designate as open space-protected lands in perpetuity.

We all know that keeping the few acres of remaining wetlands, out of what once was 200 acres, is vital and imperative to aid in flood control and support biodiversity without worsening the effects of repeated mud floods that happen during storm events. And now we are reminded of the young fireman who was just honored last Friday because he perished trying to prevent further flooding in Kihei.

Also please strengthen the language regarding protecting wetlands and floodplains: Whether Planning wants to call it a floodplain that collects stormwater from the watershed and gulches, or a wetland that provides additional functionality, they both work synonymously to aid in flood control. The bottom line is they ALL need protection, in perpetuity, from development.

Additional Info: The S. Maui Save the Wetlands Hui study was funded by the county. Major mapping of the floodplain/wetland areas has been done by David Dorn, he is providing much of that key data and information in his testimony. In addition, the upgraded wording for protections in the **wetlands Bill 91** passed just a few months ago should be recognized by CPAC, they include the following:

According to **19.47.020. Policy.** It is the policy of the County of Maui that wetlands be restored or protected. The council's intent is to identify, restore, and protect wetlands beyond what is required by the Clean Water Act, Coastal Zone Management Act, or any other law to protect environmentally sensitive ecosystems and their services, **including flood control, water quality enhancement, species protection, and climate adaptation and mitigation benefits. All discretionary permits issued by the County must be consistent with this policy.**

And in section **19.47.080. Interpretation. The Conservation Planning Committee:** **The committee may advise the mayor to authorize the County to:**

- a. Acquire real property containing wetlands either by negotiation under chapter 3.44 or by eminent domain.**
 - b. Seek execution of a conservation easement to restore or protect wetlands.**
 - 3. Wetlands include the following areas: where for any duration of time, at a frequency including nonconsecutive years:**
 - i. The water table is at or near the surface and the land is saturated by subsurface**

water, including the water table, subsurface kahawai, or springs: or

ii. The land is covered by water.

d. Areas of riparian zone and floodplain, including flowing, intermittent, or ephemeral streams and streambeds.

i. Areas that provide wetland functions, including:

i. Conveyance of stormwater.

ii. Flood attenuation and storage.

Planning needs to map in Kihei and complete it by the fall of '23 per this ordinance. Then, public input is required, including from groups like the Hui, to analyze the two sets of maps. Expert analysis by leading hydrologists and water quality experts will be priceless to help Kihei implement the information gathered to aid with flood control and improve our quality of life.

Ya, as Planning stated, developers may have “the RIGHT to develop” on these lots. The argument to let them develop on these 7 parcels, however, is flawed. And it doesn't make it the right thing to do. 6 out of the 7 lots are somewhat contiguous in two of Kihei's three main gulches. If Planning needs more proof that the water's velocity and volume are dangerous and deadly in gulches, I'm happy to engage experts and engineers to provide that information. Exponential harm exists for Kihei, individually and collectively for every acre that is developed going forward. What is the value of loss and additional damage to our parks, reefs, and other public spaces?

The majority of Kihei residents and property owners are in the mindset now that too much information exists to ignore the experts, the community, and our own experiences. The developers on these 7 vital parcels may be inconvenienced. Perhaps some land swaps could be considered as solutions for these few developers. I'm inclined to think this administration has no appetite for increasing the damaging effects of flooding damage, personal or public property harm, or deaths.

Charlene Schulenburg