

To: Kihei Community Association Design Committee

From Robin Knox

Date: 10/28/21

Re: Waipuilani Hale Project, 16 E. Waipuilani Road

On behalf of the Save the Wetlands Hui, I am providing the following comments on the Waipuilani Hale Project

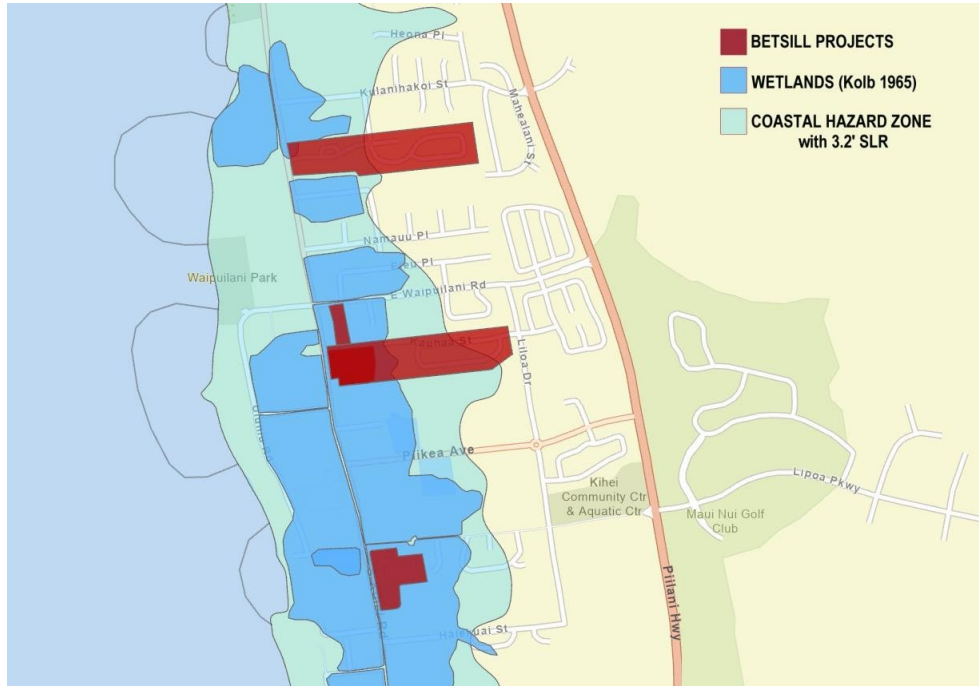
The subject property is a wetland, meaning it has wetland characteristics and functions, and is valued by our community due to its wetland functions.

The determination by the US Army Corps of Engineers (USACE) that the site is not a jurisdictional wetland has no relevance to our concerns. The Corps of Engineers determination does not define what is a wetland. The only purpose of that determination is to discern whether the wetland is a Water of the US (WOTUS) subject to Clean Water Act jurisdiction. If the wetland is a WOTUS, then it is a jurisdictional wetland requiring a CWA Section 404 permit from USACE to dredge or fill the wetland.

USACE, and the sources of information they cite (USGS, NRCS, National Wetland Inventory) each define wetlands a different way depending upon the programmatic purpose of defining a wetland. These surveys and the Google Earth imagery are at temporal and spatial scales that are not fine enough to conclusively characterize the property at the 1.5 acre scale. A one time evaluation during a drought is not sufficient time scale to determine if the property functions as a wetland or has wetland characteristics.

Wetlands are defined by characteristics, indicators and functions. We have requested but not been provided a copy of the report cited by the Corps of Engineers entitled "Wetland Survey Report" by Maui Environmental Consulting, LLC (MEC), dated 24 MAR 2020. This report may provide information regarding the wetland characteristics (such as soils, plants, and hydrology). We are aware of wetland indicators and functions of the subject property. The readily apparent indicators are salt deposits, cracks on the surface of soils, debris drift lines, and high water marks on adjacent walls and fences. The southwest corner of the property is spongy and bouncy. The property is known to flood as is the entire surrounding area. The property has wetland functions the most important of which is storage and infiltration of flood waters, and slowing the water to allow sediment to drop out before entering the ocean..

This wetland is in the Kihei Floodplain, a FEMA flood zone, a special management area under the Coastal Zone Management program, in a Tsunami inundation zone, and an area subject to inundation due to sea level rise.



The property currently functions as a de facto drainage basin, collecting the waters from surrounding properties and the mauka watershed. If this wetland is developed, the increase in impervious surface area will exacerbate the flooding in the area by increasing the rate of runoff. The proposed mitigation through stormwater management will likely not work properly due to the high water table at the site. The system proposed is only designed to handle site runoff and does not accommodate the considerable volume of flood water and sediment entering the site from surrounding lands and the mauka watershed.

The once extensive wetlands in Kihei, which provided functions like habitat, flood protection and protecting the ocean from land-based pollution, have been reduced in area, resulting in increased flooding and ocean pollution, and reduced habitat. The wetlands in this area of Kihei have been reduced from over 200 acres in 1965 to less than 30 acres at the current time, making the function of remaining wetlands even more crucial and of more value to the community.

The surrounding neighborhood is built in a historic wetland and surrounded by wetland. There is no drainage infrastructure in the surrounding area. This area was mapped during the 1965 Wetlands survey (Kolb), and included in the 1991 Erickson wetlands survey, and this property is located within a large grouping of local wetlands. Watershed and wetlands features occur on four sides of this site. This site is located in a well known flood zone with severe flooding on multiple occasions in the last several decades. This site has low elevations and there is no area drainage infrastructure. It is also one of the last undeveloped parcels in the area. This area is incapable of accommodating any high

density residential projects safely. Putting a new project in this already flood-prone area puts more people in harm's way. Flooding in this area prohibits safe ingress and egress to area residents during storm events. The site is near an intersection at S. Kihei Road the floods frequently, even during the small localized storm events in Kihei. There will be no place for the water from the development to drain to.



Site location in context of surrounding wetlands.



1. Loko Kuapa (Fish Pond)
2. Ewa Wetland
3. Kawililipoa Wetland
4. Yee's Wetland
5. Pi'ikea Wetland (north)
6. Pi'ikea Wetland (south)
7. Waipuilani Mauka
8. 16 E.Waipuilani
9. Pi'ikea Park detention basin
10. Meadowlands mitigation (stormwater dumping)



From the Photo above you can see the surrounding wetlands, and you can also see the other Betsill Development at “Meadowlands” that was built into the wetlands. That project was placed on a raised grade to mitigate flooding risks, but future development on this 16 E. Waipuilani site will not have the possibility to raise the grade due to new building requirements.