

Name: Rob Weltman

Agenda Item: B.1 Goal 2.4 | Mauka to Makai Watershed Management

Date received: 2/13/23 via email

Policy item 2.4.5 concerning gulch setbacks

Rob Weltman

2/13/2023

There is an important discrepancy between the proposed text for policy item 2.4.5 in the South Maui Community Plan and the text in the document that was distributed by the Planning Department 2/10/2023 and called "2.15.23_CPAC-revisions_Goal-2.4_Policies_.pdf".

The proposal from Jordan Molina and Tova Callender which was adopted by vote on 2/8 was captured in Tova's notes as:

2.4.5 | Gulches, specifically Pohakea, Waikapu, Waiakoa, Kulanihakoi, Waipu'ilani, Waimahaihai, Kamaole, Lilioholo, Keawekapu, Wailea and Kapuakea, as identified in the map in Figure 3.17 (pg. 106) of this Plan, must remain in open space and no new permanent structures, with the exception of roadways and utilities, may be developed in the 100 year flood inundation limits **plus 100 feet of the top of the bank of identified gulches** unless low-impact development strategies are implemented to prevent stormwater runoff.

Listening to the video recording of the meeting, I hear this:

Jordan:

"Any drainage ways have this setback requirement of 100-year flood inundation limits and/or, this policy call, **additional 100 feet so that any project which is next to a gulch or next to one drainage way has got to have that setback** in there so that we don't box ourselves in like we did with Maui Lu and Waipuilani."

Tova:

"Add in the language about the 100 year storm inundation zone plus an additional 100 ... setback ..."

Unfortunately, I can't make out the last few words from Tova. It is at about 42:30 of <https://www.facebook.com/kihei.community.association/videos/959168091928877>

The Planning Department document says instead:

2.4.5 | Gulches Drainage ways, specifically Pōhākea, Waikapū, Waiakoa, Kulanihakoi, Waipu'ilani, Waimahaihai, Lilioholo, Kewakapu, Wailea, Kama'ole, and Kapunakea as identified in the map in Figure 3.17 (pg. 106) of this Plan, must remain in open space and no new permanent structures with the exception of roadways and utilities, may be developed in or **within 100 feet of the of the 100-year flood inundation limits**

This version effectively limits the protection to the shoreline area (where there is significant 100-year flood inundation) but leaves the gulches above it unprotected, as can be seen in the document "North-Kihei_identified-drainageways.pdf" which was also distributed on 2/10. The 100-year flood inundation area is the dark area at the coastline. That needs to be fixed.

Michael Reyes comments:

It is my understanding that under the new wetlands bill, even the smallest gullies and gulches should be mapped as wetlands (as long as they depict Ordinary High Water Mark indicators as defined by the USACE 2005 guidance). This means the planning department will automatically place at least a 50 foot buffer and as much as a 200 foot buffer on either side of the top-of-bank for each of these smaller drainageways. This may make 2.4.5 a fairly redundant policy.

However, <https://www.nap.usace.army.mil/Portals/39/docs/regulatory/rgls/rgl05-05.pdf> only discusses the definition of the Ordinary High Water Mark at the shoreline and in conjunction with adjacent wetlands:

"When adjacent wetlands are present, CWA jurisdiction extends beyond the OHWM to the limits of the adjacent wetlands"

It doesn't protect any gulches mauka of the wetlands.

I believe there was also a decision to add a definition of permaculture to the definitions of Green Infrastructure and Low Impact Development.

Me ke aloha,
Rob