

Name: Robin Knox

Agenda Item: B.2 Goal 2.4 | Mauka to Makai Watershed Management

Date Received: 3/14/23 and 3/15/23 via email

>>> "Robin S. Knox" 3/15/2023 2:06 PM >>>

Hi Karen

Thanks for following up.

How about language like this? (including both statements below)

If we include both we are specific to action on the parcels we have identified, and also require exploration of doing the same on other parcels

Purchase wetlands and flood prone parcels 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 under threat of condemnation and designate as open space-protected lands in perpetuity.

Explore the feasibility of obtaining conservation easements or purchasing through negotiation or under the threat of condemnation wetlands (including but not limited to gulches, continuous, intermittent, and ephemeral streams, streambeds, and floodplains) and other flood prone parcels , and designate as open space-protected lands in perpetuity.

If we include both we are specific to action on the parcels we have identified, and also require exploration of doing the same on other parcels

From: wearesouthmaui <wearesouthmaui@mauicounty.gov>

Sent: Wednesday, March 15, 2023 10:54 AM

To: Robin S. Knox _____

Subject: Re: CPAC GOAL 2.4 action for wetland acquisition

Robin,

Thank you for reaching out and bringing this to our attention. The current wording does not reflect the intent well.

This language of the action could be updated to better reflect the intent:

To preserve, restore and provide for the migration of the remaining wetlands in South Maui, the county should purchase the following TMKs under the threat of condemnation if necessary and designate as Open Space-protected lands in perpetuity: TMK 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.

Vernon is also CCed as you mentioned he had concerns with the way the action was written.



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>>> "Robin S. Knox" 3/14/2023 4:16 PM >>>

Aloha CPAC –

With regard to the question of wording for the wetlands acquisition action under Goal 2.4, I would like to offer the following information about whether the wording should be “wetlands” or “flood prone” properties.

1. As Chair Weltman posted in his comments, the community concern in this action is not to identify flood prone properties. The concern is that we protect and restore wetlands so that development does not encroach on lands needed to provide space for stormwater and floodwaters to safely pass through our community. The parcels in question are wetlands in imminent danger of being developed, which would reduce our community’s capacity for managing stormwater and floods and reducing our climate resiliency.
2. Maui County Code at 19.47.020 states. “. 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.”
3. Maui County Code 2.82.040 Subsection J says that the County Conservation Committee can advise the Mayor to authorize the County to acquire real property containing wetlands by negotiation or eminent domain, or to seek a conservation easement to protect and restore wetlands.

4. MCC Section 2.82.040 J.3. says that wetlands include areas that for any duration of time, at a frequency including nonconsecutive years, are covered by water or saturated by water in the subsurface.
5. MCC Section 2.82.040 J.3 further describes a variety of wetland types, including but not limited to:
 - a. areas of riparian zone and floodplain including flowing, intermittent, or ephemeral streams and streambeds;
 - b. Areas that provide wetlands functions including conveyance of stormwater and flood attenuation and storage

Therefore it can be seen that the acquisition of the wetland parcels proposed is consistent with the policy of Maui County and fit the description of types of areas for which the Conservation Planning Commission may advise acquisition in implementing the policy to restore or protect wetlands.

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