

ORDINANCE NO. _____

BILL NO. _____ (2023)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.47.070, MAUI COUNTY CODE, RELATING TO WETLANDS OVERLAY MAPPING

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 19.47.070, Maui County Code, is amended by amending subsection A to read as follows:

“A. [Within three hundred sixty-five days after the effective date of the ordinance establishing this chapter, the] The planning director must prepare, or cause to be prepared, and transmit to the planning commissions, council, conservation planning committee, and director of public works, a map that shows the approximate location of wetlands throughout the County and likely migration areas reflected by passive flooding data by June 30, 2024. The boundary of wetlands is 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 Wetland Delineation Manual: Hawai‘i and Pacific Islands Region. These indicators are hydrophytic vegetation, the presence of hydric soils, and evidence of hydrology. For flowing systems, the boundary must extend to the ordinary high-water mark, determined using the 2005 U.S. Army Corps of Engineers Regulatory Guidance Letter on the Determination of Ordinary High Water Mark Identification.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel
County of Maui