

## CARE Committee

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**From:** Michele McLean <Michele.McLean@co.maui.hi.us>  
**Sent:** Tuesday, February 16, 2021 2:39 PM  
**To:** taram@hawaii.edu; CARE Committee  
**Cc:** James Buika; Jeffrey Dack; Nicole A. Siegel  
**Subject:** Re: CARE-1(2) presentation by Tara Owens  
**Attachments:** CARE slides Feb 17 2021pptx.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mahalo, Tara!

Keeping with this thread, attached is my presentation.

Aloha,  
Michele.

>>> Tara Owens <taram@hawaii.edu> 2/16/2021 2:33 PM >>>  
Hi CARE committee:

Please see attached. The presentations tomorrow will be a tag team effort, so this slide set will follow an introduction and overview by the Planning Director, and will then be followed by other slides or information delivered by the Planning Director and other Department staff.

Thank you,  
Tara

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# SMA and Shoreline Rules Workshop

Climate Action, Resilience and Environment Committee  
February 17, 2021

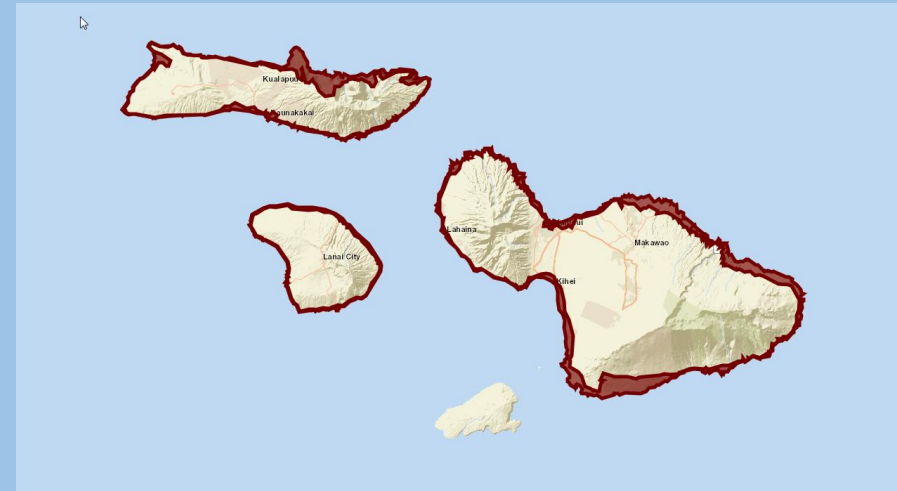
# SMA and Shoreline Rules

- SMA and Shoreline Rules Overview
- Shoreline – old and new setback calculation
- Shoreline – permitted structures
- SMA and Shoreline – “no needs” and compliance with Act 16 (2020)
- SMA – emergency permit procedures
- SMA and Shoreline enforcement and appeals
- Next steps

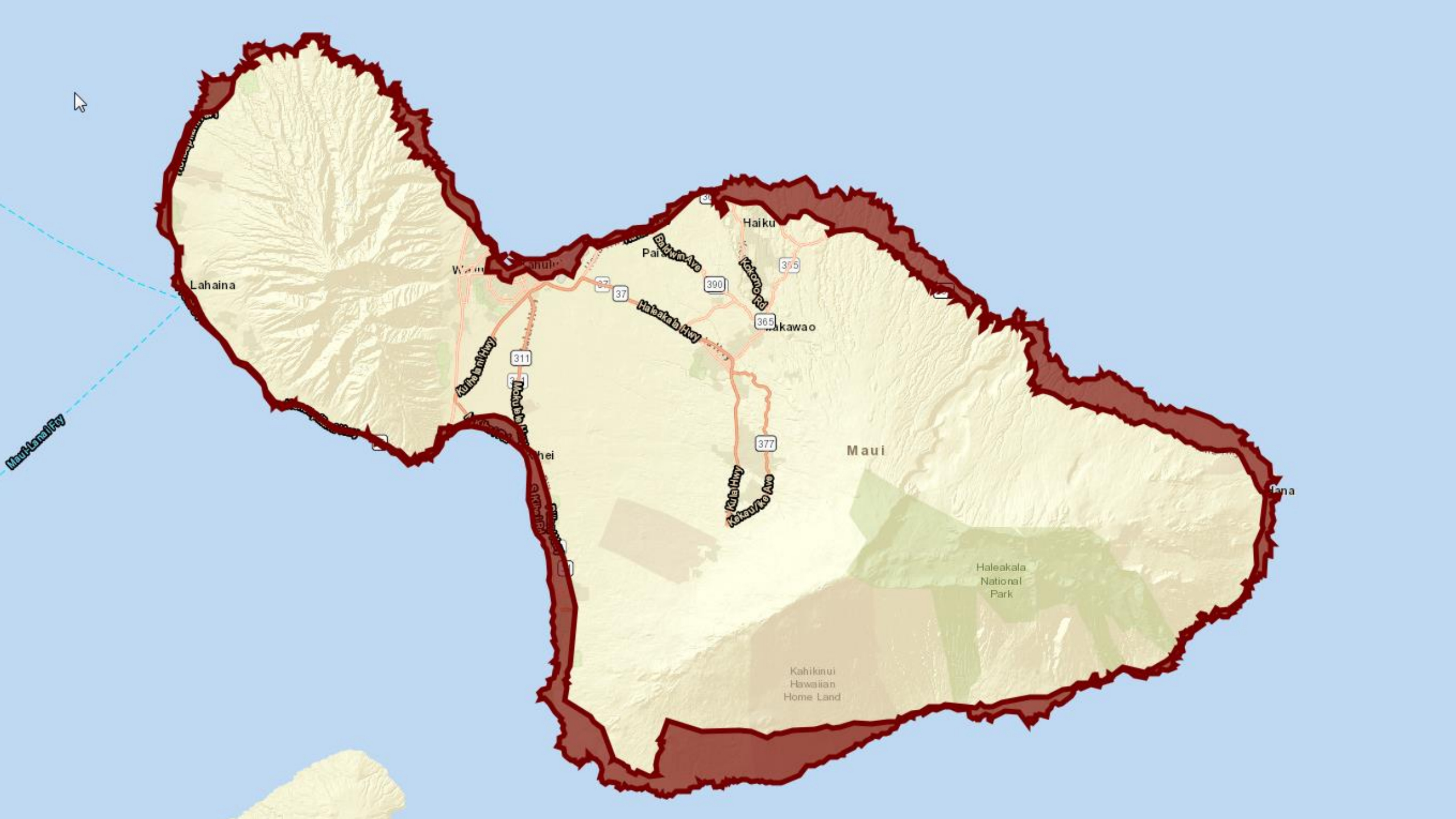
# SMA and Shoreline Rules - Overview

- The Federal Coastal Zone Management Act was passed in 1972. The Hawaii CZM program was codified by HRS Chapter 205A in 1977.
- HRS 205A calls for “Special Management Area” boundaries and permitting requirements. It also provides special protections specifically for the shoreline area.

- Planning commissions have exclusive authority over coastal-zone regulation (Maui County Charter Section 8-8.4: Each planning commission shall ...“Act as the authority in all matters relating to the Coastal Zone Management law”).



- Each commission has its own SMA and Shoreline rules.



## SMA and Shoreline Rules – Overview, cont.

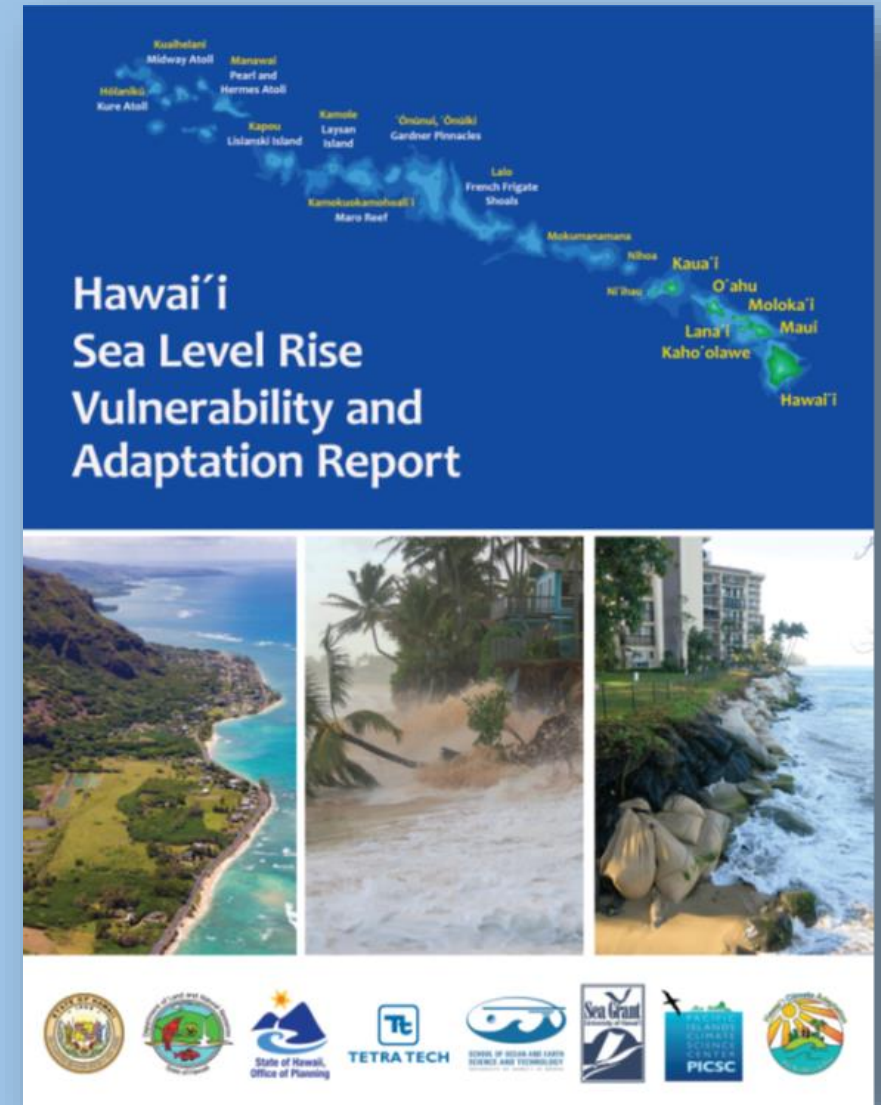
- Original proposed amendments were to streamline SMA permitting by no longer requiring SMA assessments for minor actions, thus freeing property owners from having to file and pay for these applications (and freeing us from processing them) – usually 400 – 550 each year.
- Additional changes were proposed to improve the SMA emergency permit process to require long-term plans in addition to allowing limited emergency measures.
- Amendments are also proposed to clarify enforcement and settlement provisions and make SMA and Shoreline rules consistent.
- Other minor proposed changes would simplify language, clarify processes, and separate SMA and Shoreline requirements appropriately (including when a certified shoreline survey is needed).



# SMA and Shoreline Rules – Overview, cont.

- Now, in addition, changes are proposed to the Shoreline Rules to incorporate the Sea Level Rise Exposure Area (SLR-XA) from the Hawai'i Sea Level Rise Vulnerability and Adaptation Report.
- Accompanying those changes are proposals to modify structures and activities allowed in the setback, and what degree of rebuilding is allowed in the setback.

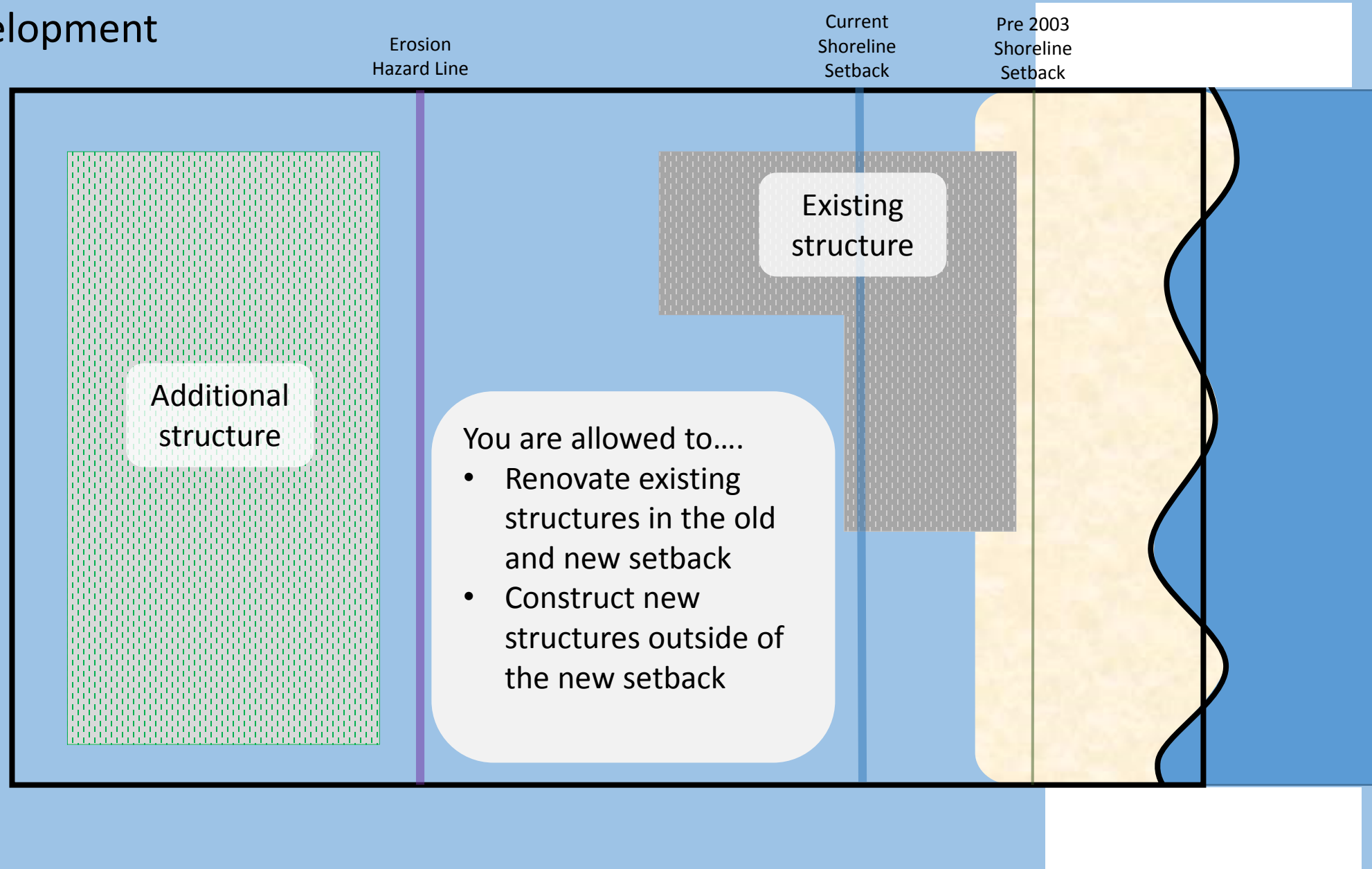
**Turning now to Tara....**



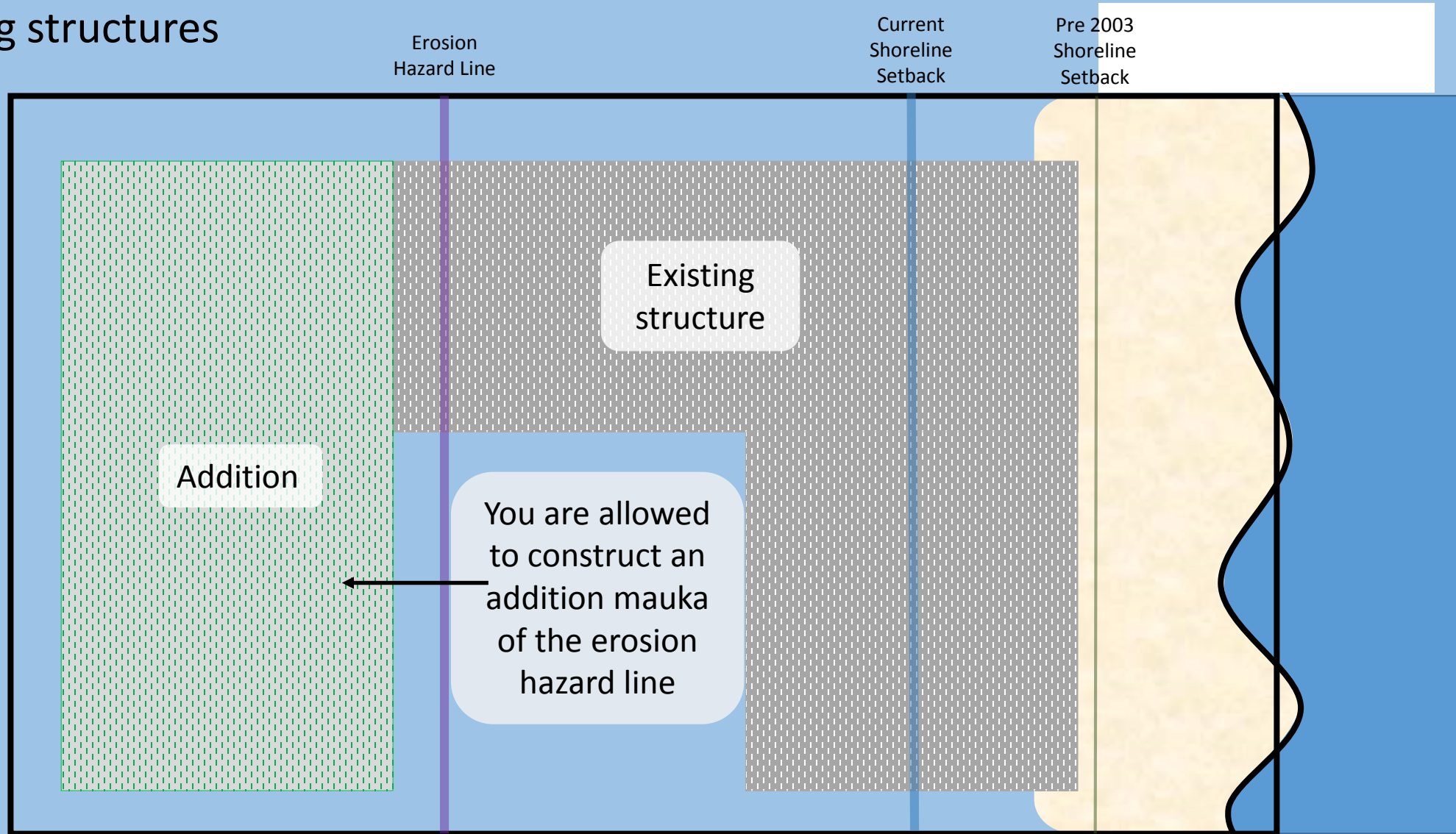
What would the proposed  
shoreline setback mean?



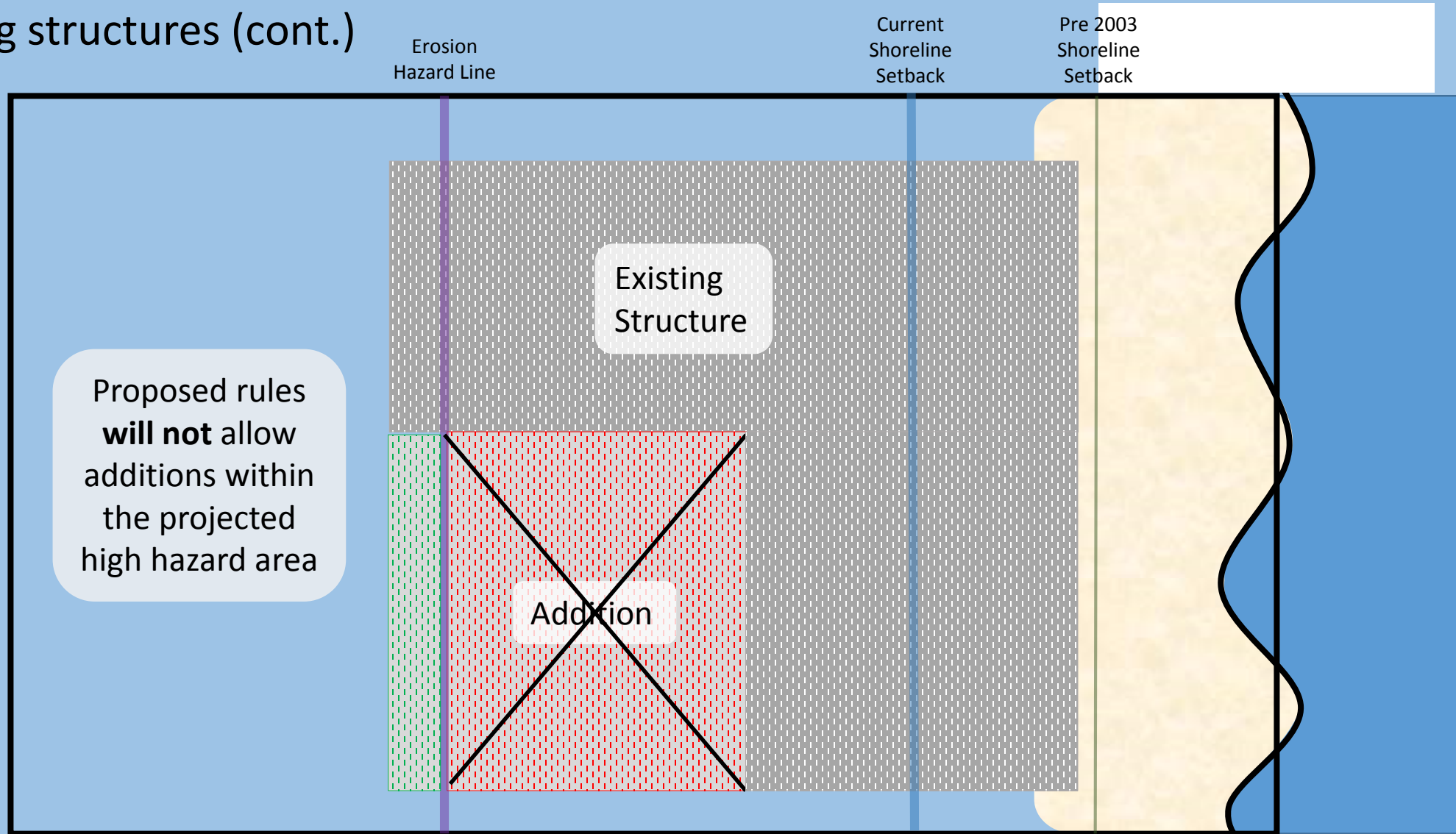
# The proposed rules affect existing and proposed new development



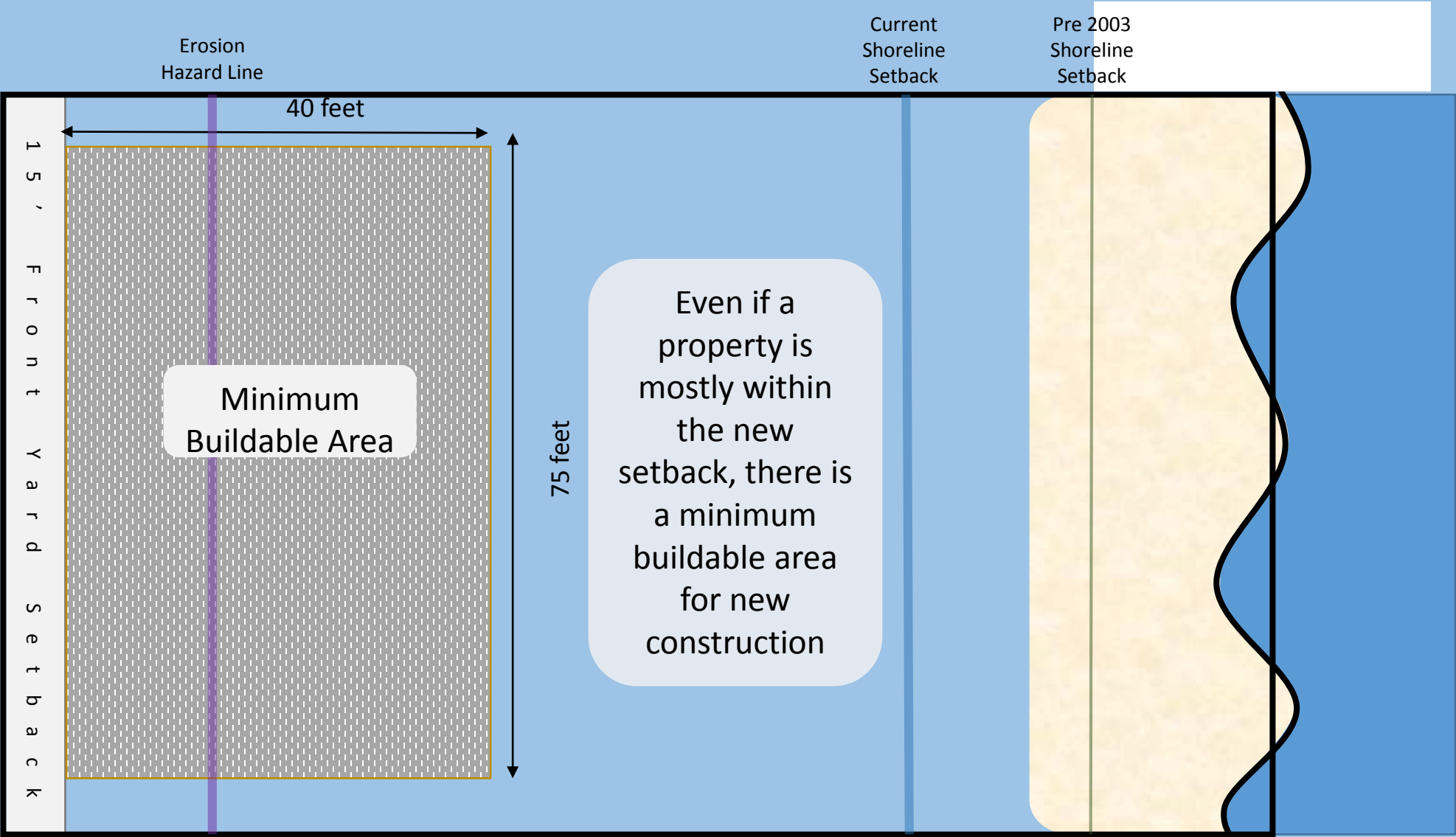
# Example: construction of new structures or additions to existing structures



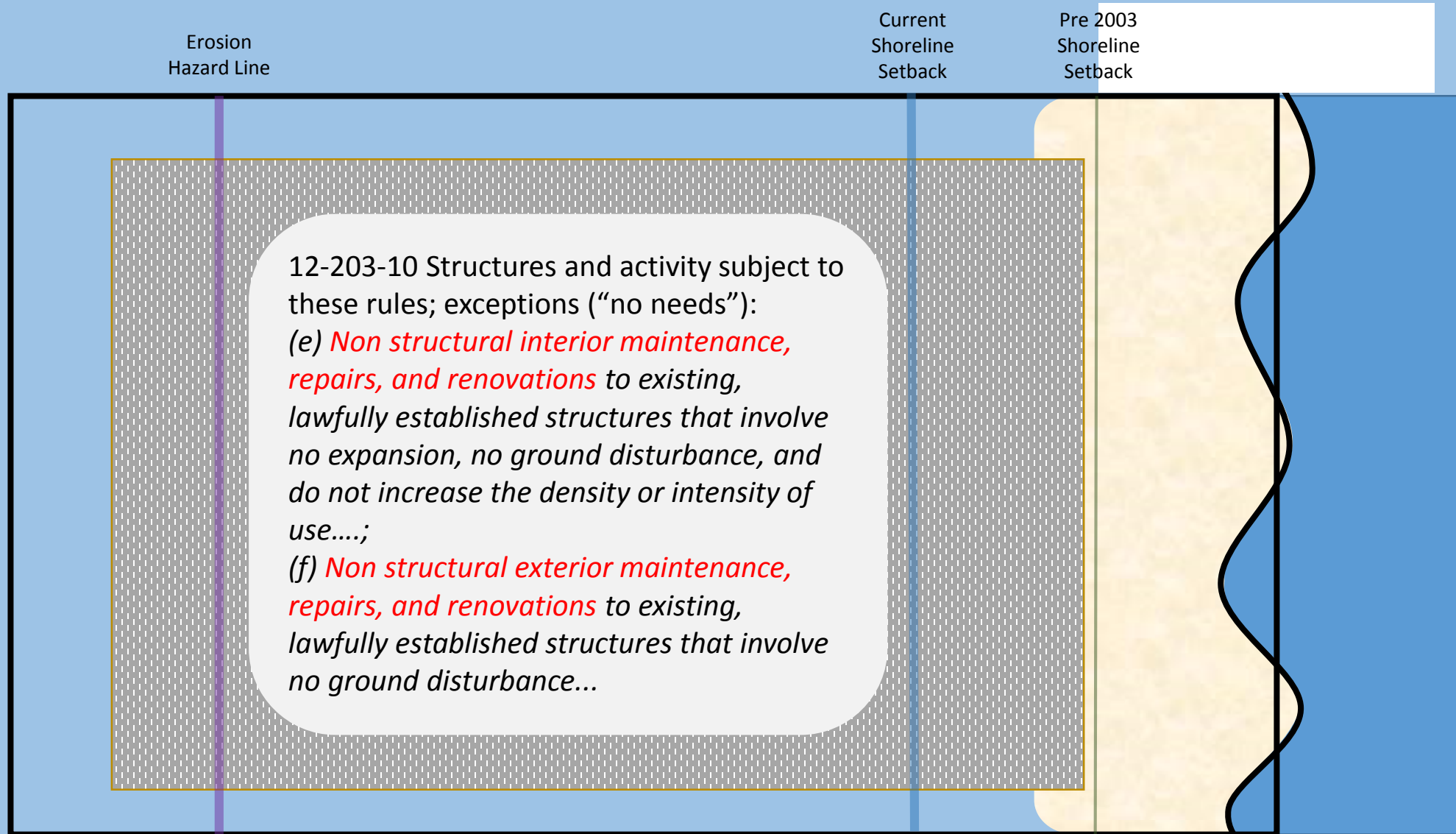
## Example: construction of new structures or additions to existing structures (cont.)



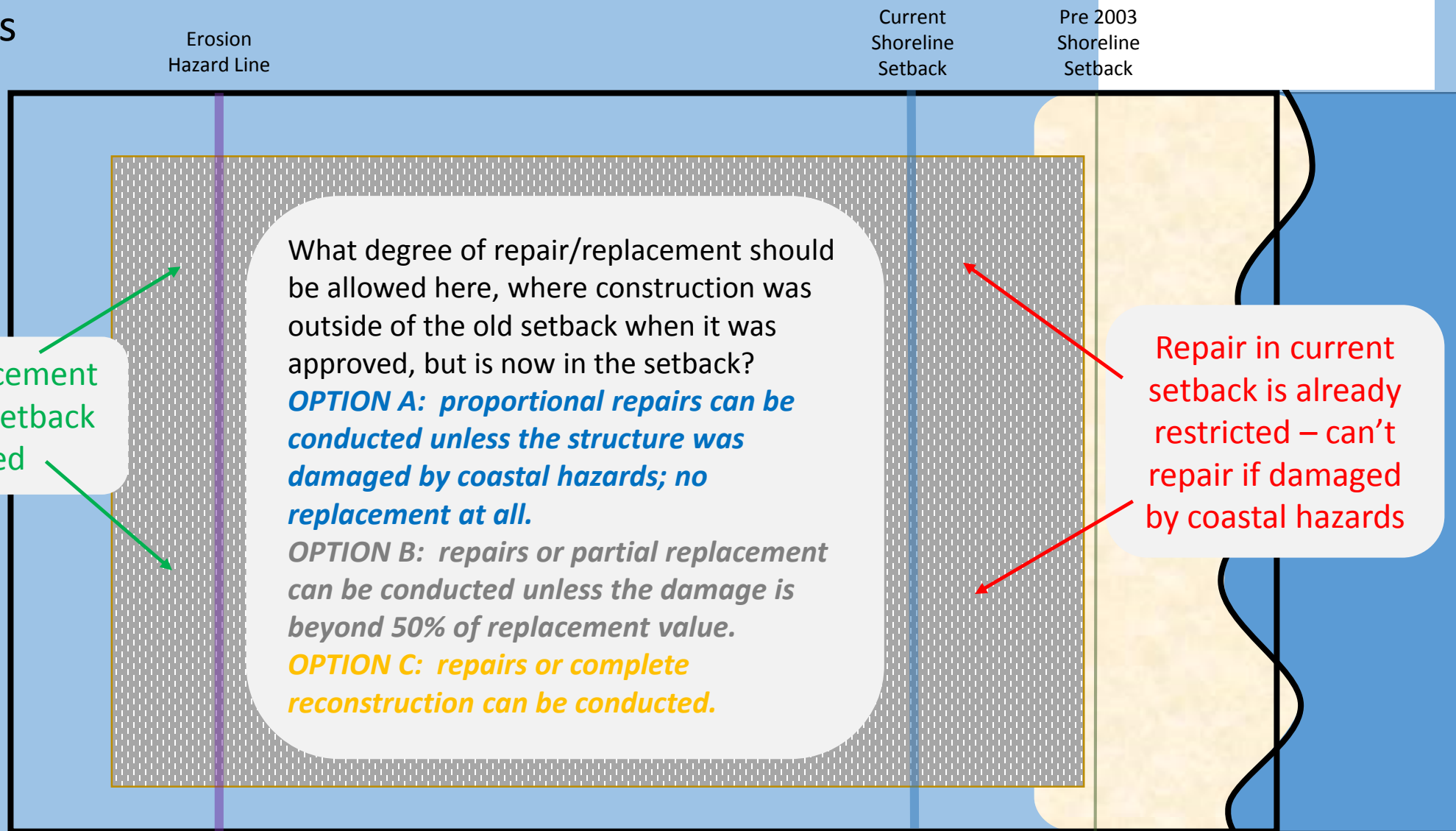
# Example: new construction



# Example: renovation of existing structures



# Example: repair or replacement of existing structures





3.2 ft EHL:

80% confidence that property will be safe from erosion landward of this line

Existing Shoreline Setback Calculation:

1) Erosion Rate (without Sea Level Rise)=  
 $(50 \text{ yr} \times 0.5 \text{ ft/yr}) + 25$   
=50 ft setback

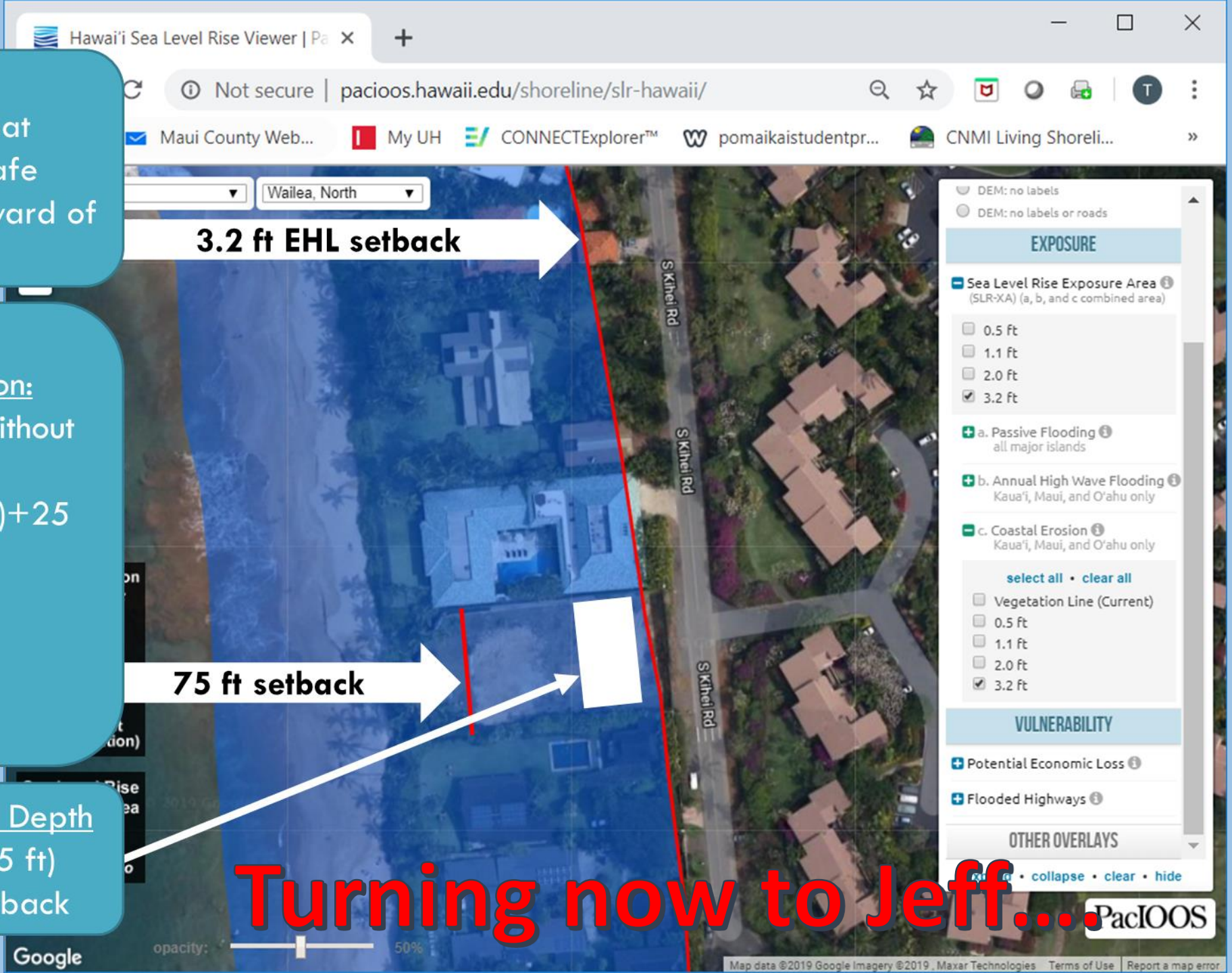
2) Lot Depth=  
 $\sim 300 \text{ ft lot} / 4$   
=75 ft setback

Minimum Buildable Depth  
= 40 ft (up from 35 ft)  
from front yard setback

**3.2 ft EHL setback**

**75 ft setback**

**Turning now to Jeff....**





# Enforcement and Appeals

- Proposed enforcement amendments in **SMA** and **Shoreline** Rules
- Clarify that a violation can only be cured by correcting the violation AND paying fines
- Provides options for serving enforcement notices
- Creates criteria for determining fines
- Proposed appeals amendments in **SMA** only
- Deletes the option of the director holding a hearing; instead clarifying the opportunities for negotiated settlement
- Allows for the director to settle violations if the reduction in fines does not exceed \$50,000

# SMA and Shoreline Rules – Next steps

- Outreach conducted throughout 2019: interest groups, professional organizations, community associations, plus four public meetings in central, south, west and northshore Maui (postcard notification)
- Latest versions address most prominent concerns: underlying geology and existing development that would become non-conforming.
- Additional comments were received at the Maui Planning Commission workshop on January 12, 2021, from the public and commissioners; further refinements being made.
- Next steps are to have another round of interest group and public meetings, another MPC workshop meeting with new members, and then a MPC public hearing and hopefully adoption later this year.



A tropical beach scene with a sandy shore in the foreground, a line of green coastal vegetation, and a dense grove of palm trees in the background. Several people are visible on the beach and near the water's edge. The sky is blue with scattered white clouds. The word "Mahalo!" is overlaid in the bottom left corner.

**Mahalo!**