

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
JULY 8, 2015**

*** All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes' file and are available for public viewing at the Maui County Department of Planning, 2200 Main St., Suite 315, Wailuku, Maui, and at the Planning Commission Office at the Mitchell Pauole Center, Kaunakakai, Molokai. ***

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission was called to order by Chairperson, Michael Jennings, at 11:10 a.m., Wednesday, July 8, 2015, at the Department of Hawaiian Home Lands (DHHL) Conference Room, Kulana Oiwī, 600 Kamehameha V Highway, Kalamaula, Molokai.

A quorum of the Commission was present. (See Record of Attendance.)

Chair Michael Jennings: Good morning. I'm not used to saying that, normally we start at noon, so I can say good afternoon, but good morning to everything. Thank you all for being here. I'd just like to say one thing before we start, I'd like to thank Diane Swenson for filling in for me very admirably at the last meeting when I couldn't come because of some problems at work, so, Diane, thank you. I appreciate that.

B. PUBLIC TESTIMONY

So let's start out here with the July 8th meeting, call to order, and everybody seems to be here, so public testimony. If there's anyone here that cannot be around when we get to the -- to the -- what they are here for, they can speak with us now, and I see no one here for that, so, okay, Clayton?

Mr. Clayton Yoshida: Good morning, Mr. Chair and Members of the Molokai Planning Commission. Clayton Yoshida, with the Planning Department. With me here today are Suzie Esmeralda, Secretary to Boards and Commissions; we have Pam Pogue, our Planning Program Administrator, with our Long Range Division; returning shortly will be Jim Buika, our Coastal Zone Planner; and we have Tara Owens, with our Maui Sea Grant Agent; and we have Carolyn Cortez, Supervisor, with our Zoning Division with expertise in the administration of the national flood program; Sybil Lopez, our Molokai Planner, is on funeral leave today as her father's service is Saturday, 11:30, at the Home Pumehana hall, Tony Lopez; and our Deputy Corporation Counsel, Richelle Thomson, is on call if we have legal questions, if the Commission has legal questions, Richelle is on call.

Mr. Yoshida read the following agenda item into the record:

C. SPECIAL MANAGEMENT AREA MINOR PERMIT

- 1. MRS. WENDY VAN HEEK requesting an after-the-fact Special Management Minor Permit for the removal of the existing seawall and stairs per DAGS request located on 17,139 square feet at 110 Beach Place, TMK: 5-3-001: 021, Kaunakakai, Island of Molokai. (SMX 2014/0542) (Valuation: \$25,000) (S. Lopez)**

The Commission may take action on this request..

Mr. Yoshida: I think, Jim, are you going to present the report?

Mr. Jim Buika: Sure. I can. Does everyone have the -- good morning. My name is Jim Buika. I'm the shoreline planner, one of the shoreline planners for Maui County. I'm located on Maui. And now that we have Sybil Lopez, full-time planner here, my role is to advise her on shoreline issues, along with Ms. Tara Owens here, who is our UH Sea Grant Coastal Geologist, coastal processes expert. What we did, just for your information, this morning Tara and I, when we came over on the boat, we did a site visit to the parcel here. As Clayton -- as Clayton described it, it is for an after-the-fact, it's not really after-the-fact because the wall is still there, I guess they had just started removing it, and we stopped them, and they were issued an after the -- this is for an after-the-fact permit for a minor permit here. What it is is the project is a property right along by the harbor along the shoreline there, and there is, in front of the property, right at the shoreline between the state jurisdiction at the shoreline and private property, there's a 110-foot, probably a 2 to 3-foot small seawall, I'm not sure exactly how deep it goes, and then in the center, there's a 16 square-foot three steps that go up onto the property, so it creates a grade, but as the applicant is coming in to do additional work, they need a state certified shoreline for the property out front, and the state came to survey the property and found that the seawall is encroaching into the shoreline, so they required it to be removed. So this application here is for a minor permit, granting a minor permit to remove the small seawall fronting the property so that the applicant can remove all the encroachments, this being the major encroachment along, possibly, with some vegetation there so that they can get a certified shoreline so that they can do some improvements to the property, so this is the first step of the development on the property, so that's what the focus is here today.

It is -- the department finds that it is a -- it is a development, it's a minor action, so it requires a minor permit. The findings of fact is that it is an after-the-fact removal of an existing seawall on the existing single-family residence. Again, it is considered a development. The valuation is \$25,000. The property does lie adjacent to the shoreline area and, therefore, is subject to the Commission shoreline rules. The property is also located in the special flood hazard area zone AE, with a base flood elevation of three feet above mean sea level, so a special flood hazard area development permit is required. So

with the conditions, and with best management practices, removal of the wall will be allowed. The project will not impact historic sites or site remnants of archaeological or cultural significance, and will have proper archaeological monitoring on the site when the wall is removed. In the event that historic properties, including artifacts, human skeletal remains, cultural deposits, if anything is found, it'll be ceased and State Historic Preservation Division will be called in and consulted, and it is consistent with the objectives, policies, and special management area guidelines set forth in the Coastal Zone Management Act, and is consistent with the County General Plan and zoning. So with these six findings of fact that are in the report, in the consideration of the foregoing determination, an SMA minor permit is required for the proposed action. Shall I turn it back over to you, Clayton, for public testimony?

Mr. Yoshida: If you're going to take public testimony or if the applicant wants to make a -- the applicant's representative, Mr. Stephenson, wants to make a presentation.

Mr. Rob Stephenson: Thank you, Chair. Thank you, Clayton. Rob Stephenson, on behalf of Architectural Drafting Services, for the applicant, Ms. Wendy Van Heck. I just wanted to clarify the sequence of events. We went out to get the -- the applicant went to get the state certified shoreline and DAGS, actually, they didn't require that the wall be removed, they required that the wall either be permitted by the county or removed, and so the reason the wall is -- it has been asked to be removed is because the county feels that the wall is not an appropriate structure there. The State of Hawaii was willing to grant I believe an easement, and the State of Hawaii was willing to, and DAGS, were willing to accept the seawall as is as long as it went through the county permitting process, but the county determined that it wasn't an appropriate structure. So I just wanted to, for the record, make that -- make that clear. And it's not -- there hasn't been any work begun on removal of the wall. The reason that we're coming for the SMA to remove the wall is because we first tried to get the wall permitted, but the county deemed that it wasn't permissible, so that's the reason for the after-the-fact permit. Thank you.

Chair Jennings: Thank you, Rob.

Mr. Yoshida: Mr. Chair, I don't know if you want to take -- open it up for public testimony, and then if there are any questions from the Commissioners either for the department or for the applicant.

Chair Jennings: Are there any public testimony for this? Okay, seeing none, any questions from the board? Billy?

Mr. Billy Buchanan: How does it affect the neighbor's property ...(inaudible - not speaking into the microphone)...

Mr. Buika: Yes. We looked at it today and it does not have any affect on the neighbor's properties on either side. It's all very low-lying and will -- the seawall is fairly insignificant and will not have any affect.

Chair Jennings: Are there anymore questions from the board?

Ms. Zhantell Dudoit: So I would suspect though that the process, from the last time we saw you guys, like a couple years or a year ago, or whatever, that you are actively looking at the shorelines and developing a plan for existing or seawalls that are necessary in that low area, right, on the south shore. We talked about that before. I mean the county's very active in coming up with plans for those things, right?

Mr. Buika: Well, we're not active in coming up with plans for seawalls. We would like to -- what we had been doing was working, as you participated and we'll report on a little bit today in our presentation, to look at what the reconstruction permit process would be for the low-lying areas along the shoreline and how to preserve the coastline along with the -- any reconstruction that would be needed or rehabilitation in a post-hurricane type event, big coastal storm.

Ms. Dudoit: So as these, for instance, this particular application goes through the process, we approve, they get their permit, the county will be writing along to make sure that if they need to put in a new seawall or whatever needs to happen there to support those efforts are going to be done, right?

Mr. Buika: Yes, and that was the purpose of the site visit today. Tara, you want to say anything? But, yeah, what both myself and Tara Owens, we met with the applicant this morning, and we will actually develop a -- we actually kind of put together a landscape planting plan to build a small dune to further protect, in a more natural beach process way, the property on that location, which is set very far back, if you saw some of the pictures, I don't know what the exact setback is, but it is -- so we will put in and we're going to add in a condition actually on the floor here, with the permission of the Chair, that would -- that would require the applicant to work with UH Sea Grant, Tara Owens, to develop the post demolition reconstruction. Maybe --

Ms. Diane Swenson: Yeah, you know, I have a question or a concern. So it sounds like you guys just made an arbitrary decision from a desk on another island about what this property owner had to do without looking at the property or really understanding the situation or I mean it seems like these people are having to jump through a whole bunch of hoops by a decision that was made by people who didn't even look at the project.

Mr. Buika: Well, actually, we worked very closely with Andy Bollinger, who is the state representative for Department of Land and Natural Resources who came out and looked

at the property, we've been working with Sybil; yes, we hadn't in fact seen the property but pictures are worth a thousand words. We wanted to look at the neighboring properties along the shoreline there and see what the situation looks like and it -- and Sybil has been out here and we've been -- and Sybil has been advising us of this. The applicant has come in and presented the project to us on Maui, we weren't physically here, that's true, but we -- we've been looking at these shorelines for a long time, many years, and we have a sense of what is good and what is not good, and we confirmed it today. If it's okay with the Chair, do you want to say something, Tara, or is it okay? Do you have --

Ms. Tara Owens: Yeah. I thought maybe it would be helpful to kind of backup and just look at this a little bit more conceptually with respect to these types of structures on the shoreline and what the impacts are. It's not only this property, but all the adjacent properties have similar types of structures, these low retaining walls along the sandy shoreline within the high wash of waves that's the state's jurisdiction, and these were probably built maybe as landscaping features or sort of a boundary delineation type of feature rather than a true seawall that's meant to hold back the waves. However, what it does do when you have something like this on a property, and in this case, none of them were ever authorized structures, you're affecting the natural beach processes, so a seawall or a retaining wall like this is generally not something the Planning Department would recommend, and is generally not allowed, in accordance with the shoreline rules for Maui or Molokai, unless you go through an extensive variance process and there's a threatened structure. In this case, there are no threatened homes, no threatened habitable structures. So instead, what the alternative is is to remove the retaining wall and then strengthen the shoreline naturally by planting with the native types of plants that are found along shoreline and coastal dunes in the islands, and they're usually low grasses and vines that have deep roots and require no irrigation and thrive along the coastline, and roots, they're kinda like rebar and concrete for the beach, the roots of these plants, and in the end, it generally offers more strength and hazard mitigation to the shoreline than something like a retaining wall would. So that's the approach that I think overall we're attempting to take.

Mr. Buika: And we have, as part of what Zhantell stated, we have -- we are familiar with the shoreline. We have walked the shoreline here. We had not visited this particular site until today, but we just didn't have the opportunity until today's meeting, but we were in consultation with Sybil Lopez, the planner, and the applicant on this one all along.

Ms. Dudoit: I wanted to know if you could put the 7th condition down so that if and when we made a motion that we wouldn't have to amend it. Would you like to list the 7th condition?

Mr. Buika: Yes.

Ms. Dudoit: You wanted to -- yeah?

Mr. Buika: Yes.

Ms. Dudoit: Okay.

Mr. Buika: Yes, I did, and as a result of our -- in consultation again with corporation counsel, with Sybil Lopez, and then meeting with the applicant on site this morning, we have -- there are -- Clayton, why don't I just do the recommendation and add in --

Mr. Yoshida: Yeah, why don't you just present the recommendations.

Mr. Buika: I'll just do the recommendation for -- Chair. So pursuant to the aforementioned findings of fact, the Department of Planning recommends approval of the SMA minor permit subject to the following conditions: That the project shall be in accordance with the description submitted on November 5, 2014, and representations made to the department; that best management practices shall be implemented to ensure water quality and marine resources are protected. No construction material should be stockpiled in the aquatic environment. All construction-related materials should be free of pollutants and placed or stored in ways to avoid or minimize disturbance. No debris, petroleum products, or deleterious materials or wastes should be allowed to fall, flow, leach, or otherwise enter near shore waters. Any turbidity and siltation generated from the activities proposed at the site should be minimized and contained in the immediate vicinity of construction through the use of effective silt containment devices. Construction during adverse weather conditions should be curtailed to minimize the potential for adverse water quality impacts, that's all recommendation two; three, that a new shoreline survey shall be completed by July 31, 2016, this would be once the wall is removed; four, that a flood development permit shall be acquired; five, that the project shall be initiated by July 31, 2016, and shall be completed within one year of said initiation; six, that full compliance of all other applicable governmental requirements shall be rendered.

And then there were three additional best management practices: That the applicant communicate with Jim Buika, lead Shoreline Planner, and Tara Owens, UH Sea Grant Program Coastal Hazard Specialist, for best management practices to follow during restoration of the shoreline area, that would be seven; number eight would be that the applicant receive a right-of-entry from the Department of Land and Natural Resources, Land Division, on Maui, for use of the conservation district during removal of the seawall; and then nine, that a final compliance report, which documents the final shoreline rehabilitation, be submitted within one year of the approval of this permit for approval by the Planning Department.

Ms. Dudoit: Read that last one again.

Mr. Buika: That a final compliance report, which documents the final shoreline rehabilitation, we submitted within one year of the approval of this permit for approval by the Planning Department. So final compliance report showing that the work was done properly and finalized.

Chair Jennings: Okay. Thank you, Jim. Is there -- Diane?

Ms. Swenson: You know what? I just have one comment or concern. This area neighborhood, there are older people who've lived there, who've lived there for years, that don't have money. Apparently, you guys have got a homeowner now that has funds and can do this and is willing to do this, but I'm concerned that you're going to start making people, who's lived there for years in these older homes, comply with all of this and they don't have the funds or the money to do this, and are they going to be forced out of their homes? Have to sell their homes? I mean I don't -- I mean I understand what you're trying to do, and I understand the reasons, but I'm also concerned about how it's going to affect the homeowners in the area.

Mr. Buika: I mean I can't answer to the -- to the, you know, to the financial condition of homeowners there, and I respect what you're saying. We're not going to play policemen and go up and down the coastline. There are things, when we visited that shoreline, that can be easily removed at a very low cost that would help the public and such as removing 10, 12 feet of encroaching naupaka that goes -- that's in the state land that prevents families and the public from walking that shoreline; at high tide, we could barely walk out because the naupaka there is -- something like that. I mean, you know, we're not going to onerous. And these things get cleared up when people come in for permits to do developmental work, so that's what triggers the state certified shoreline. It is the state law. And even the locals, nobody has permission to develop on state land, and that's all the state certified shoreline does is to delineate between state property, private property, and to clear up encroachments if people do build walls on state property, or invasive or lots of vegetation preventing lateral access. Those are things they're looking for so --

Ms. Swenson: Well, my concern -- well, like the shoreline certification, that cost \$35,000, and like this homeowner is having to do two of them. I mean that's -- that sort of thing is what my concern is and what happens to these people.

Mr. Buika: Well, I think they're only doing one, and there is a cost involved, you know, it's a surveyor cost. People are, you know, if you have a shoreline property, you must be stewards of the shoreline and work within the laws of the shoreline, or if we don't, we would have -- we would, literally, have no shoreline left if things went unchecked. So the law's in place, they're state laws, the state certified shoreline, and we have our shoreline rules to benefit the property owners, benefit the public. It's to, you know, preserve, protect, and where possible, restore the shoreline as much as possible. Because of coastal erosion and

because of development on the shoreline, we have a lot of conflicts, we can give a little bit of this training later on, but that's the reasons behind it. We're not trying to penalize any -- any homeowners at all. Thank you.

Chair Jennings: Tara, did you want to say something?

Ms. Owens: I don't know if it's my kuleana, but I did wonder about that condition for a new shoreline survey, and I'm very familiar and involved with that process occasionally. They may or may not have to get a new survey. Depends on the timing of the action. If the original survey was done and the state required them to resolve the encroachment, if those aren't resolved in a certain amount of time, then the shoreline can get surveyed -- certified under that existing application and they may not have to initiate a new shoreline survey, but it depends on whether the clock stopped on them or if it -- and I just don't know where it's at in the process.

Ms. Swenson: I know but if we vote to approve this, they're going to be forced to do it whether they need to or not. That's my concern.

Ms. Owens: Can that be clarified?

Mr. Buika: Well, maybe we should just take out the word "new" on condition 3. It is the same certified shoreline. Basically, they come forward, and then once the wall is removed and some of the naupaka encroaching there, then the state will come out, they will survey it, and they will do a recommendation to the Board of Land and Natural Resources; they'll have a hearing in Oahu, and they will certify the shoreline, and then they're good to go. So if we can, with the Chair's permission, strike the word "new" there in condition no. 3 so that condition no. 3 will now read, "A shoreline survey shall be completed by July 31, 2016." Good point. Good point. Thank you.

Chair Jennings: Thank you, Jim. Any further questions by the board? If not, I would accept a motion.

Ms. Dudoit: I'd like to move to approve with the conditions, with the nine conditions.

Chair Jennings: Is there a second? Second by Ron? Yeah.

Ms. Dudoit: Okay, just for the record, I just wanted to say thank you for all your work. I mean I don't know how many of the Commission Members were here but I was here when you just -- you were just a student, you were just brand new, and we talked about the efforts that you wanted to make, and the Planning Department wanted to make, and to implement to help preserve our shoreline, so the idea that now we've come to a point where there is criteria, and there is hope, and there is some kind of effort being made, I just

applaud that effort. And I just want to state for the record that, you know, this is going to be my second fifth-year term. I've seen a lot of times when the state arbitrarily or just lax in their efforts, talk about sit at a desk where they don't see the shoreline or they don't see places, and say we're willing to let stuff go. I think it's commendable that our county now takes an active role in not just saying, okay, well since the state says yes, we'll say yes, and then I love that. I mean that's the reason why many of our policies here on Molokai have that "except for Molokai" because we try to take some control in our own destiny of our own island, and so I applaud the county and the Planning Department in this instance, I know that it's not a perfect policy or there's going to have to be some tweaking here and there, we'll figure out how to make it the best benefit for the community and people who can afford it and stuff that is required, but I just wanted to state for the record that I am so happy that this move forward, I thank you guys for your efforts, I applaud the county for implementing care for our county in specific rather than blanketing something as a whole state 'cause we are so different and that's all I wanted to say. Thank you.

Mr. Buika: Thank you.

Chair Jennings: Okay, it's been -- a motion has been made, and it's been seconded, and discussion. Thank you, Zhantell.

There being no further discussion, the motion was put to a vote.

It has been moved by Commissioner Dudoit, seconded by Commissioner Davis, then unanimously

VOTED: to approve the SMA minor permit with the nine conditions.

Chair Jennings: Motion carried.

Mr. Yoshida: Thank you, Mr. Chair. Moving on to the next item, we thought we'd continue with our Orientation Workshop, and we've brought several resource people from Maui to assist. The first item is our Long Range Planning, and we have the Administrator of the Long Range Division, Pam Pogue, who has distributed her powerpoint presentation.

D. ORIENTATION WORKSHOP NO. 2

1 Long Range Planning - Pam Pogue, Administrator, Long Range Division

Ms. Pam Pogue: Good morning still. It's really great to meet you all. We are or have been working on a community plan since March so I was anxious to see your faces and know who we will be working with shortly on the community plan as it heads your way. But as Clayton said, my name is Pam Pogue, I'm with the Long Range Division, and before I went

to Long Range in October, I was with the Department of Water Supply, I was the Division Chief for Water Resources and Planning, for three years.

So today, what I'd like to discuss briefly, I realize probably most of you could take my place and do a better job because you've heard this many times, but I am a new face, I just wanted to give you an overview of our staff and what we do, discuss what the general plan is, talk about 2.80B, which is important because that is why the current community plan looks vastly different from what you might be used to in 2001 plan, give you a little bit of information about how it's organized, give you an update on how CPAC is doing and where we're at in the community planning process, and the roles of CPAC and then, most importantly, your role as the community plan heads your way.

So on staff we have two absolutely wonderful ladies, Joy and Richelle, who basically run the entire outfit. They pretend I'm the boss, which I'm not, they are. We also have, many of you may have met, Dave Yamashita, who's our Planning Supervisor, comes over on these trips with Mary and Jen. Jen is sort of the project manager right now for this plan. Doug Miller, we're very thrilled to have back. And Annalise is our Cultural Resources Planner. We also have GIS, the Geospatial Division. Dan McNulty-Huffman supervises that, so much of the maps that you all see come out of this division. Mark is back, which is great, and many of you will be meeting Mike Napier and Kristana Erikson, they'll be flying over, and they're working on the community plan, and Peter Graves as well.

So some of our responsibilities as we are responsible for overseeing and updating the general plan, and also, not just the actual drafting of the plan, but a lot of the updates and studies, like socioeconomic studies, population and land use forecasts, and then there's some state regulations we now have to implement as well and integrate into that process. And, of course, one of the most important things is actually happening right now on Molokai and that is the process, and as we have these CPAC meetings hoping to get more folks from public, stakeholders, and so forth so they can see and be an active part of updating the community plan. One of the other things, I know Zhantell is very familiar with this 'cause she and Hanalei came and spoke, is with the community plan, we also try and integrate other plans, for example, the hazard mitigation. The county has a mitigation plan, it's being updated right now, so have a lot of components in the Molokai Community Plan that have never been in there before. The Water Use Development Plan, I can talk to that, but that effort will be on Molokai next year, so as appropriate, we're taking things from that in terms of addressing certain water issues. So various state plans and county plans we integrate into the community plan. And you'll see a lot of maps in terms of land use development and so forth, that'll be a part of this, and that's much of what we do for the entire department and sometimes other departments in the county. And then, as I mentioned, Annalise, who's absolutely phenomenal, is our Cultural Resources Management person who serves the Cultural Resources Commission.

So, essentially, what is the general plan? And I'm sure you guys know this probably better than any group of people, but it's a 20-year plan in context, and I'm going to keep referring to Molokai. So the Molokai Community Plan will go to 2035. I'm going to talk a little bit about 2.80B and what it means in terms of the Molokai plan, but, essentially, as I mentioned, the process is one of the most important aspects of the plan, it's a community-driven process. It is a planning document. It is a document of the Planning Department that the Planning Department has a role in implementing, but it is driven by the community and is successful only to, you know, that we are implementing and putting things in there that best reflect the community. It's a guidance, obviously guides future decision-makers. You guys use it all the time. Comprehensive, and we'll get into that, and you'll see all the various things that are addressed.

So when folks say "general plan," we're not just talking about, for example, on Maui, they talk about the Maui Island Plan, the overarching document that everything should really be coordinating and kind of touching base with is the Countywide Policy Plan, so it starts with the Countywide Policy Plan, which is a framework that looks at goals and policies, and so forth, and we talk and look back at that often when we do a lot of the community plans, so it sort of has that overarching document. Then you have, as I mentioned, the Maui Island Plan, but then you also have the Lanai Community Plan, and for those folks that are interested, staff finished that in October, it went to the Planning Committee of the County Council, and we're hoping to finish that relatively soon so it can go to Full Council for final adoption, Kahoolawe Community Plan, and then there's, of course, what we're working on now, the Molokai Community Plan. And as you can see, there are additional actual planning districts that each have their own community plan.

So the Countywide Policy Plan, as I mentioned, I believe that was completed in 2009, and it was a fairly process that really vetted and went through the community and a lot of public testimony and input and so forth, but they really reflect the core principles and themes, and we looked at policies and strategic planning in our community plans.

Alright, 2.80B. 2.80B was adopted in 2004 and my -- and, basically, what it does is, there's two parts to it, there's a Part A and a Part B. Part A really dictates the process and the content of the Maui Island Plan. Part B dictates the process and content even to how CPACs are selected and so forth of the community plans. So as I mentioned, if you look at 2.80B, it talks -- it says what the legal status is, what the content must be, and the actual process - right down to saying, for example, the community plan advisory committee has 180 days to review the plan, the Molokai Planning Commission has 180 -- it's a very prescriptive document. In this 2.80, unlike the pass plans, it calls for an actual directed growth strategy, looks at how priorities are to be selected with capital improvement program budgeting and implementation.

So that's the cover right now of the Molokai Community Plan - and you can click again, Tara - which will be coming your way. So if you look at items 1 through 11, those are examples of what is in this community plan as dictated by 2.80B, and I'm going to go into them in a little bit more detail. Okay, the role is, basically, to look at the community and what we really want to do is focus and look at future conditions, for example, three weeks ago, Robert was part of it, as CPAC, we had an actual mapping exercise where we took CPAC, divided them up to three groups, gave them community plan maps, magic markers, and they went through, after looking at the socioeconomic and land use forecast, and tried to determine between now and 2035 where future growth would be. So it's a very kind of involved process.

So we're taking the existing plan, which is of course on the far left, we have to go by 2.80B, which is a Maui County Code, then we also have some state legislation I can talk to a little bit that mandates that we have to address sustainability and climate change adaptation, which I'm not going to steal the thunder from Tara, and then that will ultimately get us to the Molokai Community Plan.

So some of the requirements, and by the way, this is online, and you guys will, if you don't already have a copy, you'll be getting a copy when we head your way, but it requires that in the community plan that we must address the desire population or projected population densities, really a better word, and when that's done, a land use forecast, we have to look at social, economic, and environmental effects of future development, we need to look at the sequencing patterns and characteristics of future development, design principles, there's a chapter on community design principles, scenic resources, also cultural resources, requires that we look at multi-modal transportation systems, mean roadways, transit corridors, bikeways, etcetera; streetscape and landscaping improvements list, and then a whole implementation and monitoring program, which had not previously existed.

So some of the additional elements that are a part of this plan include, per, you know HRS 226, and then the 181 and 286 Acts, is climate change adaptation, sustainability, and Tara's going to go into great detail on that, which is really important, particularly in Molokai; hazards, multi hazards, we're looking at everything from now wildfire, which is great, tsunami, flood, hurricane; economic development; housing; education and health and social services; and then governance.

So far, to just update you guys on what's been happening, we've had nine meetings so far with the CPAC. The process, their clock if you will, goes off on September 12. We had our first meeting on March 12. We do have a meeting, I want to bring to your attention, July 15 and 16 right here, and there is just so much information and so much material to cover, but one particular thing has come up and that is, of course we're working and addressing West End and what's going to happen at Kaluakoi, and Molokai Ranch has been at every single meeting, and at the last meeting, they basically provided testimony, public testimony

for the county to accept the roads and the water infrastructure, and so on the 15th, we're going to have the Director of Water Supply, David Taylor, and the Director of Public Works, David Goode, attend the meeting at 3:00 to basically explain, give factual information on what is involved, in terms of the water capacity system of the county, which is extremely important when you get to water allocation and water credits, and the existing infrastructure, and what the county is able to take on. Director Goode is going to talk to what is accepted or what is expected and occurs for the county to accept a private road or several, and what it means to bring a road up to county standards, and what is involved with that, which is very, very important in terms of budget and so forth. So they're going to be here as resources to answer all questions for that.

One thing I do want to say and that is that there has not been a whole lot of people attending these meetings, which is somewhat surprising, so there hasn't been much public testimony provided so far.

So, essentially, where we're at in the process is that purple box on the left is CPAC, of course, and we've had our public meetings and hearings on a variety of issues with more in-depth knowledge and information. We've had a couple of workshops. We had a very good one that Zhantell and Hanalei were at with Tara and Jim to give us more information on flooding, sea-level rise, wildfire, and so forth. We'll be coming your way in the fall. So, essentially, what happens is we -- the draft that is provided to CPAC is essentially the existing 2001 plan with updates as appropriate, of course, socioeconomic and land use forecast, and I also want to say that, it was before I came to the Planning Department, but I know that staff came over here and held three different public workshops, they had 52 one-on-one interviews with people on Molokai, so they took a lot of this information and put that into the plan. As we meet with CPAC, which will be different than the Planning Commission, they are providing a lot of information in terms of if there's gaping holes, you know, pukas and stuff like that, so that, ultimately, when the plan comes to the Planning Commission, we are not in an editorial exercise. I want to say that again. We are not in an editorial exercise. It just is, basically, what 2.80B requires that we, once you guys look at the Planning Department draft with the CPAC input, you guys provide findings and recommendations as we go through. And I really want to stress that we're not in an editorial exercise. We we'll come to the Planning Commission, you guys will also have six months, and then once your comments, findings, and recommendations are incorporated, then it goes to County Council. Okay.

So the plan itself, just has the broad thing, is the introduction and the Molokai future, the vision statement kind of sets the stage. It's kind of a general update, you know, in terms of what happened back in 2001. It really sets the stage. You've got a new generation of folks and people and things sometimes change, but it really sets the stage, like Zhantell was saying, Molokai is a very different place, a very unique place, and it makes it a Molokai document. The challenges, baselines for future growth is when we look at the environment,

we look at the hazards that, you know, make Molokai vulnerable. We look at, you know, issues that, you know, dealing with economic development, you know, what does that mean on Molokai. Then the really key part is where, when, and how do you want to see future development occur. There's a land use and housing chapter, and there's a community design chapter. And then how do you support your existing communities and growth. We look infrastructure, roads, transportation, ferries, water, everything that makes -- you know, supports Molokai's existence in terms of infrastructure. And then we look at public facilities and services. We also had the Parks Director come to one of our meetings and it was -- gave great testimony, and introduced himself, and talked about the plan for Molokai in terms of future parks and services and so forth, and answered actually some really great questions. And then implementation and monitoring, and I want to talk about this 'cause this particular chapter is very, very important, okay.

So in terms of implementation and monitoring, and I'm sort of commenting in terms of what I've seen on the tail end of Lanai and expectations there, it is not the role of the Planning Department to implement the Molokai Community Plan. The Planning Department, in and of itself, cannot implement the Molokai Community Plan, and I'm stressing this because, first of all, the community plan should be implemented in terms of how action items are identified, that helps to implement the plan, and to that end, wish lists, and huge long, you know, things that you know are never going to occur is not helpful and it dilutes everything else you put on there, so you really need to think hard about what truly will help Molokai in the next 20 years. One of things that have never been done before that we are doing is we're sitting down and meeting with the director and deputy and their staff of every single department and saying, okay, look at this. These action items have your name as the county agency as the lead, you are responsible for implementing this. Are you going to support this. So there's that true link between CIP, budget items, and policies, and so forth, they have to own up to it, so that really helps to implement these things. As a Planning Commission member, and as a community member, my advice would be, and what I've seen so far, is that when the Maui County Council, the Planning Committee, comes here, there's always public testimony; if there are particular actions and so forth that you really want to see happen on behalf of Molokai, take that opportunity to get up there and explain why that's important. That sticks in their mind. You'll have the opportunity again when it goes to County Council. They'll have the opportunity with the Planning Commission. And then you want to go to the budget hearings and say it again. That is really what's going to weigh on them in terms of they know when you have an action in the Molokai Community Plan that was fully vetted through Molokai, it was vetted through the CPAC, it was vetted through the Planning Commission, and through the Planning Committee, and it's an action that the community stands behind. That's very, very important. That's how a community plan is implemented.

So CPAC, right now, I've already talked about really what they do but they've really done a great job so far. What we have left is we're hitting infrastructure with water and the

director, and roads, and then we're going to be looking at implementation, and then implementation and monitoring; then we'll be spending the next six weeks going back again, through all the chapters to make sure we've captured their comments.

So your role is you'll be receiving a draft that's been fully vetted for six months by the Molokai CPAC and, really, the Planning Commission's role is to look at it, and you guys have a much deeper context in terms of implementing, making that connection between the community plan and permitting activities, I mean that's really your guys' role and to look at that, particularly the policies and the actions to make sure it jives, you know, that it makes sense, you know, and is going to be something -- because you will be looking to the community plan when you're looking at your permits, you know, as a guidance document, so that's really the role of the Planning Commission. Hopefully. I'm pretty sure that's the last slide. Yeah. I think so. I think I'm pau. Yes, I am pau. Mahalo.

Chair Jennings: I have a question. Thank you very much. Did you make a statement that the roads and everything ...(inaudible - technical difficulty)... the county is going to be taking over the roads on the west end?

Ms. Pogue: No. No, no.

Chair Jennings: Okay. Yeah, I -- no, I thought I heard that but that's why I asked the question.

Ms. Pogue: Let me make it really clear. Really clear. No. Molokai Ranch, Clay Rumbaoa, at the last meeting, stood up and testified to the effect that he wanted the county to take over the roads.

Chair Jennings: Yes.

Ms. Pogue: They are now private roads.

Chair Jennings: Okay, 'cause I know that Debbie Amay is very strong on giving -- wanting that to happen and I -- I just, I'm sorry, I just heard it wrong. Thank you. Thank you for the clarification.

Ms. Pogue: But I've asked both the directors to come over because I think it's really important for them to explain what is involved for the county to take on a water system, or for the county to take on roads, so that's why Director Goode and Director Taylor are coming over, to answer questions.

Chair Jennings: Thank you ...(inaudible - not speaking into the microphone)... are there any questions for Pam? Okay.

Mr. Yoshida: Thank you, Pam. Moving to the next section, coastal zone management. We have Jim Buika, our Coastal Resources Planner, and Tara Owens, our Maui Sea Grant Agent, so I'll turn it over to them.

2. Coastal Zone Management Introduction - Jim Buika, Coastal Resources Planner

Mr. Buika: Again, my name is Jim Buika, and what I will do is I will introduce Tara Owens. Tara Owens is -- sits within the Planning Department and is a technical coastal resource for Molokai, Lanai, and Maui, and she serves in that role for all the planners, and she's been with the county for five years, even though she doesn't do permits, she knows more about permits than probably all of us do combined, but pretty much her principle focus is dealing with the shoreline, and on a daily basis, we are dealing with different -- different properties along the shoreline continuously. And Tara has contributed in many ways and she's going to talk about coastal erosion. The other -- and climate change a little bit, and coastal hazards. What she does is she -- Tara extends her expertise throughout the State of Hawaii through the UH Sea Grant Program, which is about 42 technical scientists in Hawaii, and then she has outreach from there nationwide. So she keeps up on all the climate change literature, she updates everything, she works with the scientists, and also a very important role is she works with a lot of our state counterparts along the shoreline. So Tara, basically, extends our reach quite a bit and does -- she does a tremendous amount of work for the County Planning Department, including these types of training, so we'll let -- so thank you, Tara, for everything you do, and you know you're well appreciated. And Tara is available for Molokai to come out and look at any shoreline property that is needed to evaluate what needs to be done to protect the home or the coastal zone. So with that, I'll turn it over to Tara and she can go through the outline and then we'll -- me and her will go back and forth through the presentation.

(Commissioner Dudoit was excused from the meeting at 12:00 p.m.)

3. Sea Level Rise and the Future of Our Shorelines - Tara Owens, Sea Grant agent

Ms. Owens: We do try to get over here as much as we can. The Van Heek example is a really good case study. We can maybe bring it up several times throughout this presentation to, you know, make some of these topics resinate here on Molokai, you know, and when Sybil first came to us with the project, the first thing we said was, well, we should probably do a site visit because even with all the pictures and the nice photography, aerial photography we have, it's never a substitute for eyes on the ground, so we try, as much as we can, to get over here.

So, today, I'll just do a quick briefing on coastal hazards because this is all -- this whole thing is about coastal zone management, and what the intent of the Coastal Zone Management Program is, and the permits that you approve, the special management area permits that you approve are part of our State Coastal Zone Management Program and gives the counties the right and the authority to manage the coastline, and a lot of managing the coastline has to deal with coastal hazards, making sure that there's a buffer along the coastline to protect existing and new development, and also to protect the environment itself. So I'll touch on those, and then Jim will talk about the actual regulatory framework, special management area, the community plans, which Pam gave a nice introduction too, and the shoreline area, and then if time permits, we'll talk about one specific project we've been working on over the past couple of years to improve resilience in Maui County, and we've been over to Molokai a couple of times for that project.

One place I always like to start, when I'm thinking about hazards for a particular region, and you could do this too if you're ever curious or if you're reviewing a permit and you really want to understand coastal hazards, there's a resources, it's called "The Natural Hazards Atlas for Hawaii," or something to that effect, you could actually Google the name, and in that hazards atlas, you can go to a particular region, so the map you're looking at here is for Kaunakakai, and there is a ranking of the most prevalent coastal hazards in terms of their impacts, whether it's a low hazard for this particular region, it's given in number one, and -- or a high hazard. So the different colored bars you see along the coastline are for -- each color is for a different hazard, tsunami, stream flooding, high wave storm, erosion, sea level, and seismic, and each of those hazards has a ranking from one to four. So for Kaunakakai, you'll see tsunami is in the middle there, two and three; stream flooding, the ranking is two and three, depending on exactly where you are along the coastline; high waves, relatively low ranking, anybody know why that would be for Kaunakakai?

Unidentified Speaker: The coral reef.

Ms. Owens: Right, because of the nice big fringing reef out there that provides that buffer. Storms, three; erosion, two; sea level, three, and we'll really focus in on erosion and sea level here in a minute; and seismic, three. And just as a quick comparison, this is for Papohaku, much higher tsunami ranking, much higher erosion ranking because there the active beach there that is much more exposed to waves than maybe the south side of Molokai is. So, anyway, this is a good reference or good resource for looking at hazards. And then I'll just touch on a few of the major hazards that, you know, as you guys know, living here in Hawaii, we're this little set of islands out in the middle of a big Pacific Ocean and we're exposed to a lot of coastal hazards. We've had many damaging tsunami events in the past, I'll zoom on down to Molokai in a minute, but just to cover the basis here, tsunami are long wavelength, shallow water, progressive waves caused by the rapid displacement of ocean water, so for Hawaii, that usually is an earthquake that happens far away, the waves are generated at the source of earthquake, and then they travel all the

way across the ocean, and then they shoal when they get here in the shallow water, and run up onto the land and can cause pretty major destruction. So here's how that happens, you have -- if you've ever taken an oceanography class, you probably know about plate tectonics, you have two plates, two ocean plates colliding, one of them subducts below the other, and there's friction, sometimes they get stuck, and they distort, and all of that energy is released to the ocean and -- and crosses the ocean basins in the form of a -- a very large wave that goes both directions until it reaches land. And if you look, this is also from the Natural Hazards Atlas, if you look at past tsunami events for the Hawaiian Islands, and in particular what their signatures were on Molokai and Lanai, you'll see we've had some - I don't know if you can see the numbers here - but here's, for example, the 1946 tsunami, it looks like runup at Kalaupapa was 5 feet on this side; you go on the other side of peninsula there, and runup was recorded at 54 feet, probably because of the shape of the coastline, sort of funneling the tsunami waves into that area. So you can get a good idea of what impacts could potentially be from future events by looking at the past.

And then we lots of great researches at UH who are looking at all kinds of hypothetical tsunami events, from distant sources like the ones that produced the 1946 and 1960 tsunamis, but also near sources from, for example, the Big Island landslides and such, and how those might impact the islands, so these are models of tsunami energy, and all of that is then incorporated into the eventual tsunami evacuation maps, like this, that are featured in your phone books, and are updated on a fairly regular basis, and you can find these maps online as well. So those tsunami zones, those evacuation zones, are related to actual historical data and also model hypothetical data. So very important to understand your hazard risk relative to tsunami.

And then now I'm going to kinda jump into the next hazard, and this is the one we deal with most on Maui, which is coastal erosion, and it seems like these days there's constantly something in the news. This is from 2012 when *The Maui News* did a story based on a UH and a US Geological Survey Report about erosion in Hawaii, and said, "Maui has lost more than four miles of sandy beach in the past century." Now this is referring to Maui Island specifically. We do not have erosion rates like we do for Maui on Molokai except for Papohaku Dunes, and that's something that could be made available. August 16, last year, "Erosion likely result of supermoon tidal increases rather than storm." March 15, this year, "Forces of nature threaten roadway." We have, and you as well on Molokai, we have many examples of our coastal roads sitting right next to the shoreline on the verge of being undermined in several cases because of coastal erosion, and that's something that we're seeking to sort of plan ahead for better than we have in the past. March 23, this year, "New research predicts a doubling of coastal erosion by mid-century 2050 in Hawaii." So we have historical rates of erosion. UH is saying that that potentially may double by 2050. And in terms of the study that we've had done for Maui, and I said these statistics are specific to Maui but the trends apply to Molokai too naturally, 85% of our shorelines are eroding in the long term. Maui's beaches have the highest rates of erosion compared to

Oahu and Kauai, and that has to do with sea level rise. And Maui has the highest percentage of beach loss. And, you know, I've tried to include as many examples from Molokai as possible in terms of my, you know, my photos and my graphics here, but again, here's one of the coastal roads on Molokai that is probably exposed to erosion in many locations, and this is just one snapshot, and then Papohaku Dunes, of course, is a very sensitive area but is subject to erosion and something that should be considered in planning and permitting. But in terms of causes of erosion, we really have three kind of categories: Human impacts to sand supply, that's things like the fact that sand has been mined from beaches in the past, we'll look at examples, and that's happened on Molokai and Maui. Human impacts can be structures or hardening of shoreline, something like the Van Heek example we were looking at earlier, armoring; Currents and seasonal waves and storms that move sand, so these are episodic events that just happen every once in a while but can cause significant beach change all at one time; And then sea level rise. Sea level is rising, causes shorelines to move inland, and that's a chronic process that's just occurring over the long term.

So sand mining, I mentioned that already. Papohaku Dunes, there's a picture up there on the top-left, that's remnants of some of the sand mining infrastructure that was there years ago when the beach was being actively mined. Same thing, north shore of Maui, Baldwin Beach area, lots of mining of the sand from the beach for concrete and for the lime kiln for the sugarcane on Maui, and also north shore of Oahu. So that was common in the past; it is illegal these days. You cannot take any quantity of sand from the beach.

Another type of human impact is armoring, and this is very, very prevalent on Maui and the other islands in the past in Hawaii. The way we've responded to beach erosion is to armor. And so the left graphic there is kinda showing you how beaches respond to sea level rise and erosion when it's in a natural setting, so you have a beach, and it simply moved inland, as long as there's sand in the system and there's nothing in the way, the beach will retreat but it will stay pretty much the same width; it'll just continue to retreat in a landward direction. If you put armoring type structures on the shoreline, like this, and this, you know, so the Van Heek wall would count as an example in this category although, as far as seawalls go, that one is relatively small in scale, but what it does do and what it would be doing at the Van Heek property is impound sand behind it, and when we have waves that come up during high wave events or storms, what you want to happen is that that beach is mobile and the beach provides a buffer and it can move and change with the high waves, and what happens is usually the sand from the upper part of the beach feeds the near shore area and then it fills in the pukas, or the channels, or form sandbars and the waves break further away from the shoreline and take the pressure off the beach, then when the high waves are gone, the sand comes back up onto the beach and into the coastal dune, if there is one. So when you build a structure like this, you impound the sand and you prevent the beach from being able to provide that buffer that's a -- not part of the natural process. And the other thing that happens is if you have waves that are coming up, they

hit the seawall, they reflect, all that energy is reflected off of the wall and it carries the sand away, and in most cases, that's not the case that we were seeing in this particular area of the coast, but in many cases, you'll see complete beach loss in front of these types of structures. So they have to be used very carefully. And this is just a real life example of that process occurring, so this is on the north shore of Oahu. So here you'll see the shoreline is retreating, but the beach remains here where the shoreline was armored, this is with a rock revetment, the property was protected but the beach is lost, and that's a very common scenario we see and that we want to try to prevent, if possible, around the islands. So that was manmade structures, so human impacts.

The second thing causing erosion is, of course, just our seasonal waves. We have, as you guys know, know full well, we have our North Pacific swell that come in during the winter time from this range of directions. We have trade wind waves in the spring and summer coming from this direction. So these waves, they setup currents that move sand around, so when the waves are coming in this direction, if you have a sandy beach on the north shore, for example, your sand might get pushed along the shore in this direction. Then in trade wind season, the sand gets pushed by the waves in the other direction, so we have this seasonality of our beaches, which you probably notice in some locations. And then, of course, summer time, we have our south swells, and then, occasionally, we get Kona storms. We had several Kona storms this January, which on Maui, had pretty significant impacts on our beaches. We have lots of erosion.

And then third thing, again, was sea level rise. So this is looking at past and projected changes in sea level, so going back all the way in the 1800s where we have sediment and ice records telling us what the climate looked like back then, and the sea levels, and then the blue line here is -- we started, you know, we installed tide gauges in the late 1900s and we've been tracking actual records of sea level since that time. You can see sea level's been going up. The green line is satellite data that we now have to, you know, concur with that tide data. And then this gray area are the projections for the future, there all kinds of projections for sea level rise and these are based on climate models, but the projections generally range anywhere from one foot to four feet by 2100. So a lot of times we, based on the latest greatest climate science, we look at one-foot of sea level rise as a target for 2015, anywhere from three to four feet as a target for 2100. And then we can bring that down more locally. The Army Corps has a nice tool where you can take those projections and tie them to our actual tide gauge at Kahului Harbor, and so have, if you want to think ahead to 2100, if you look at the low, intermediate, and high models for sea level rise at the Kahului tide gauge, we're going anywhere from just under a foot to over five feet by 2100. And just based on our tide gauge, Maui Nui sea level has risen already nine inches over the past century.

Now, I use this example, I don't have a good one for Molokai, but it's a good analogy for what sea level impacts might be on our shorelines and our beaches. This was a summer,

you can see top photos is Kaanapali in March, and then in July, from large nice healthy beach to no beach at all, and the resorts were scrambling to protect the beach walk and all their infrastructure there, but what happened was we had a warm water eddy that kinda came across through the islands, and warmer water takes up more volume and expands compared to colder water, so sea level rose that summer by a couple of inches, maybe three, to four, to five inches, and just that extra little bit of tide on top of the normal plus waves is what resulted in this kind of coastal erosion. So I use that as an analogy for the future conditions with sea level rise. A couple of inches of water makes a big difference.

And just in speaking in generality here with respect to sea level rise, we're going to kind of the impacts we'll expect if we have, of course, sea level rising at the coast, and we have increasing rain, we'll have more flooding, we're going to start to have salt intrusion into our wetlands which, you know, you have a lot of wetlands here on Molokai, coastal erosion leading to seawalls, leading to beach loss, wave overtopping leading to closed roads, all kinds of vulnerable infrastructure on Maui, we worry a lot about our wastewater plants and other types of infrastructure, and then increased erosion at the coastline might mean more silt on the reefs, which can impact the health of our reefs as well. And there's a really cool tool, we won't spend a lot of time on it, but if you're interested in the issue of sea level rise and visualizing that in Hawaii, you can go online to this tool, the NOAA Digital Coast Sea Level Rise Viewer, you can zoom into your island, and I have some screen grabs here just to show you what that's like. There's a nice little bar here, you can slide it, it goes zero, one, two, three, four, five, and six feet of sea level rise. So if you zoom to Kaunakakai, we're looking at zero feet above high tide, basically, right here, plus one, you'll start to see the areas that flood first; plus two; plus three; plus four. And so Kaunakakai is a very low-lying coastal plain, so probably more than most places on the island, it's really going to be subject to flooding from sea level rise in the future, and erosion as well. And that's up to six feet there, which is of course is on the very high end of any of the climate projections.

And we're working. We're working steadily. We're trying to make strides in our state in terms of planning for climate change. We're kind of behind in terms of nationwide efforts to move in this direction, but we're catching up. We had two important pieces of legislature, important pieces of law signed by the legislature and the governor in the last couple years. The most recent is Act 83, which establishes the Hawaii Climate Adaptation Initiative Act, and there is an interagency committee that has just kicked off, it's going to be working on a vulnerability and adaptation report for the state, and there's county people and different state agency people across the island involved in that committee. So that's good news. And then responses. What do you do when you're experience erosion? And we have a range of responses from do nothing, at one end, which means, you know, let homes fall into the ocean, which is generally not the approach that's taken; to the other extreme, which is to armor, hold the line with a permanent seawall or rock revetment, which usually results in loss of beach; to all the things in between, which is where we like to focus our management efforts, so we talk about things like managed retreat, building setbacks along

the coastline. We have erosion-based setbacks on Maui, which are very good. Adaptation. You know I like to say, for Molokai, Molokai is actually -- the existing development is built very sustainably. You look at most of the older plantation homes on the island here, and they're set back away from the shoreline, and they're elevated. We don't see that on Maui where things are close to the shoreline and slab on grade. So if Molokai can manage to maintain that, I think you're actually a step in the right direction automatically just based on your good knowledge of hazards and development over time.

And then dune restoration and beach nourishment, and so for cases like the Van Heeks, this is where we want to focus on, restoring the shoreline. If there is no need for armoring in that case with the retaining wall, well, let's eliminate it and restore the shoreline so it's healthy and provides good hazard mitigation.

And on Maui, we have erosion-based setbacks and lot depth based setbacks. Here, on Molokai, you have only lot depth based setbacks, and there are no erosion rates available for these island, for the sandy shoreline, and that's something that we could encourage the county to fund additional research so that Molokai could have erosion rates just like we have on the other islands. And, that's right, it was a discussion we had with the CPAC, when we met with them a couple months ago. We do actually have erosion rates for Papohaku Dunes because of a DURP study that was done, Department of Urban and Regional Planning study that was done several years ago. So that could be replicated for all of Molokai's sandy shorelines.

And I'm going to leave off of river and coastal flooding because, eventually, Carolyn's going to cover that topic, so we'll now move into Jim, he's going to talk about the regulatory framework.

4. Special Management Area (SMA) Rules - Jim Buika, Coastal Resources Planner

Mr. Buika: Thank you, Tara. Any questions on Tara's presentation? Thank you for your continued indulgence here. We'll move through it as rapidly as -- so I'll give you just a high level briefing on the Coastal Zone Management Act, and the special management area, which is part of the state planning framework. You can see our Coastal Zone Management Act here; on the right is unparallel with the state -- of the Hawaii State Planning Act, the Land Use Commission, and zoning. You can see what Pam was talking about under the plans. We have the general plan and the community plans, which again is a county activity. Also zoning, which is part of our Title 19, our Maui County Code, is a county responsibility. And all the light color here, land use and zoning at a high level, again, at the state level is state responsibility, and we have a state law, which is the Coastal Zone Management Act, and under the Coastal Zone Management Act, we have a home rule, which authorizes, through our County Charter, the Molokai Planning Commission, to be responsible for all

things related to the coastal zone. So it is a home rule here for Maui, Lanai, and Molokai. And we have the special management area rules and the shoreline rules here, which is your authority and your authority alone.

So the Coastal Zone Management Act, just at a very high level, it was enacted at the Federal level in 1977, and approved and adopted here in 1978. Because the congress realized back 40 years ago that there would be a lot of development occurring on the -- in the coastal zone and that the coastal zone should be managed and preserved as well as possible. So it is our state's resource management policy umbrella, and what I mean by that is it really -- resource management, it's really our only environmental law, so when you review permits under the special management area and the shoreline rules, it is a -- it is an environmental review, and all of the criteria that, when Sybil and the Planning Department reviews a project, we're looking at special management area criteria pretty related to the environment, so you're looking at coastal hazards, drainage, any impact on people downstream, etcetera, so it's an environmental law, and it's for all of our islands, and under the Coastal Zone Management Act, again, as I said, it sets up a special management area permit system and shoreline setback variance at the local level, for this body here to manage.

I won't go through all of these in detail, but at the high level, the objectives of the Coastal Zone Management Act are to look at our resources and how are they impacted; recreational, historic, culture, cultural scenic open space, ecosystems, economic uses, coastal hazards public planning process, beach protection, access, and marine resources. So you can see they're pretty much environmental review here. And then those filter down to our SMA criteria at the local level.

So, again, things that our Long Range, that Pam is, Pam Pogue, is looking at are the planning stages through the community plan, and general plans, local zoning, these are -- and subdivision of land, these pieces of the planning process are the early stages. The SMA stage begins with subdivision, infrastructure improvements, lot purchase, home construction, and then, finally, we're dealing with development on the shoreline where we have erosion hazard, where our remedial options are evaluated but very limited in nature. So if you look at -- if we can capture our hazards and early in the planning process, when the market value is low, the investment expectation low, the community input is very high, government options are high, we can do a good job of planning. As we move farther through this entitlement development process, we have less and less options, or options with the community to change things is less, government options are less, and market value is high, and investment expectations are high. So this is usually where we're dealing with things now in the developed world, but in areas that are undeveloped, we're still up here. So this is a good -- just kind of a good general slide that shows you the land use planning process.

Again, getting back to our rules. You have your own rules, Special Management Area Rules for the Molokai Planning Commission. You have the Rules Related to the Shoreline Area of the Island of Molokai. And again, the Maui County Charter designates this Planning Commission body to manage both the shoreline area and the special management area. So I'll show you a picture of that very briefly. It's -- this is Molokai Island. The pink zone here is the special management area, which you can see is very, very limited in nature. When it was designed back in '77, '78, early '80s, it was pretty much the coastal highway. Take the coastal highway and all the land makai of that was the special management area. You can see some lands west of Kaunakakai, the coastal highway, all the way out to the East End here, then you get up towards Kalaupapa area, there's a larger SMA, probably some of the big valleys up there, and then Papohaku Dunes area along the West End. So very, very limited SMA. So whenever you get an SMA permit, it's probably in here; obviously a lot of our development is in Kaunakakai area and some out on the West End here. So those are the only areas of Molokai that are in the SMA.

So real quickly, the goal of the SMA rules, special management area rules and the shoreline rules. These are straight from language in your rules. It's to further the policy of the state through the Coastal Zone Management Program to preserve, protect, and where possible, restore the natural resources of the coastal zone. So that's kind of the mantra of our -- so the coastal zone being the SMA area, not only the actual shoreline. And, in general, these SMA guidelines, at the state level, these are your responsibilities: You shall seek to minimize, where reasonable, things such as dredging, filling, and altering coastal areas, right? We don't want to fill in our wetlands anymore, alter beaches. We don't want to reduce the size of beaches, we don't want to impede public access and coastal recreation, we do not want to lose coastal views, and we certainly, through all of our pollution, drainage control, we do not want to adversely effect the water quality, fisheries, wildlife habitat, and we do not want to lose existing or potential ag uses also. So these are the high level guidelines in the state law. So through our Coastal Zone Management Act and your SMA rules, the Molokai Planning Commission seeks to minimize, where reasonable, adverse impacts to the environment. So it's really an environmental review that you're doing with these types of permits.

There are five different permit levels. They would be a major permit, so that would required public -- it's called "a major permit," greater than half-a-million dollars, public hearing, and owners within 500 feet are notified, and there can be conditions put on those permits. Then there are minor permits are smaller permits, such as we looked at this morning, less than a half-a-million dollars, it doesn't require a public notice of public hearing, and -- but you can put on conditions to avoid, minimize, and mitigate any environmental impacts. There are emergency permits that would be reported to you, and an emergency permit being if it's -- if a structure is imminently threatened, they can call me up, call Clayton up, call our Planning Director and say, hey, our building's falling into the ocean, can we put some

sandbags out there to keep from our structure being further undermined. We can give them verbal authorization, and then they would come in with a permit within ten days and come in with a permanent fix, and we would notify, so Clayton would notify you of any emergency permits that happen between your meetings, so the Planning Director has the authority for emergency permits. And then there's another category of exempted permits, these are -- there are different categories of actions in the SMA that are not considered developments, and such as a single family home. So these exemptions actually come to you for concurrence on the director's recommendation, but you can imagine if every single action on all of our islands had to go through a planning committee process, we'd never get anything done. So a big major exemption are single-family homes on a parcel. They can develop a single-family home, I mean with your concurrence, but a lot of times, a permit can come into the Planning Department and behind the scenes, such Sybil, if somebody wants to build a house on a vacant parcel, it may take a year between her and the applicant before it comes to you, and before it gets exempted. She would want to make sure, okay, is there some -- if it's a big development, is there drainage, is there some sort of a drainage plan done, what are the impacts on the view plains, will there be digging in the ground, does it need an archaeological monitor report, are there any historic properties, are there natural or coastal resources that are impacted, and looking a cumulative impacts, so behind the scenes, the planning -- the planner does a lot of this mitigation, back and forth, environmental review with the applicant. So by the time a project comes to you, all of these concerns about their project should have been mediated in a quid pro quo back -- maybe not quid pro quo, but back and forth with the Planning Department. So, usually, when something is coming to you, it's in good shape, and all of those environmental concerns have been addressed by the applicant. So just to rest assure that, you know, we do a lot of work behind the scenes. On Maui, we have 500 to 600 exempted projects per year, I'm not sure how many on Molokai, but that's a lot. If we had to go to the planning commission with every one of them, it would -- we'd never get anything done.

So again, emergency permits are reported to the commission at the next regularly scheduled meeting, and decisions can be contested by the applicant or parties by filing an appeal with the commission within ten days after a decision, so that's why you have your list of projects that are reported. Minor projects are reported to the Office of Environmental Quality Control by Clayton, Planning Department, and listed out here, so people statewide do have resource online where they can look at projects being permitted if they'd want to. And then some can be denied for inconsistencies with community plan, state plan.

So there are criteria, I won't go through all of them, you have them in front of you, just to speed things up, but I'll just point out a major one, it involves an irrevocable loss of a natural or a cultural resource, okay, if they want to destroy a heiau to build a house, we're not going to let them do it; if they're going to build a house on top of a crypt or, you know, a cemetery area or right on the beach, something like that, we're not going to let them because it would have an irrevocable loss of a natural or a cultural resource. And so all of

these are environmental criteria. So these are the specific criteria, this page and the next page in front of you, that the planner evaluates each project done, okay, there are 12 of them - tick, tick, tick, tick, tick, tick - they go through and look at these as our checklist for what is -- you know, number seven, substantially affects a rare, threatened, or endangered species of animal or plant, or its habitat. Okay, we have to make sure that they're clearing out a property there, Hawaiian hoary bat, plants with habitat where there could be, you know, an endangered species, or the blackburn's sphinx moth, the various plants, these types of things, the turtles, the near shore environment, the seabirds have to be -- you can't do construction during certain times, you can't destroy certain plants that are native to these endangered species. So these things are looked at. So there's another page of them here. Obviously, things that Tara talked about affects environmentally sensitive areas, such as the flood plain, shoreline, tsunami, erosion prone, coastal waters, fresh waters, this type of a zone, major altering of the land form, etcetera. So those are the criteria that are derived from the Coastal Zone Management Act and are in your SMA rules for the Commission here, and that's how a project is evaluated.

5. Shoreline Rules - Jim Buika, Coastal Resources Planner

Mr. Buika: So the purpose of the shoreline rules is, again, I have a couple of slides right in front of you there that I gave you, it's the exact language right out of the -- out of your shoreline rules. It's -- the purpose is one of the most important and significant natural resources of the County of Maui is it's shoreline environment. Due to competing demands for utilization and preservation of the beach and ocean resources, it is imperative that the use and enjoyment of the shoreline area be ensured for the public to the fullest extent; that the natural shoreline environment be preserved; that manmade features in the shoreline area be limited to features compatible with the shoreline, such as the seawall we addressed this morning, not very compatible; that the natural movement of the shoreline be protected from development; that the quality of scenic and open space resources be protected, preserved, and, where desirable, restored; that adequate public access to and along the shoreline be provided. So this is the purpose of the shoreline rules to preserve our shoreline as much as possible.

Again, there's another section in there, development encroaches on the shoreline, we have a big storm event, people want to protect their structure resulting in adverse impacts of the environment. Here's one of the ugly examples on Maui, I'm sure you know a few ugly examples over here also, but Tara and I, we see the good, the bad, and the ugly, and believe me, there's a lot more ugly than you realize to our shorelines out there. But this is a knee-jerk reaction type of thing that happens by people who don't understand what can be done and what should be done. So the purpose, again, is to ensure that the public use and enjoyment of our shoreline resources are preserved and protected for future generations in accordance with our laws and our Maui County Charter, and this is your --

this is your mandate is to protect our shorelines and work within the SMA. It's your responsibility.

So four basic objectives, we want to move out of harm's way as much as possible; plan for obsolescence of structures in the shoreline setback areas, such as this monster here from Maui, Napili area; ensure shoreline access; and limit the types of structures and activities in the shoreline setback area.

So the shoreline setback area is a line, you know, it's 30, 40, 50, 60 feet, depending on the lot depth, so we limit the types of projects that can be put in the setback area, and a lot of it is to protect the structures from coastal hazards. So there are some minor things that we can put in the setback area and with this, things that do not adversely effect the beach processes, do not artificially fix the shoreline, does not interfere with the public access, does not block public views. So, for instance, the Van Heek minor seawall out front, we had determined that it does adversely effect beach processes, as Tara had explained earlier, it does artificially fix the shoreline that, eventually, with that wall there, the shoreline, the beach will disappear and people will not be able to access it, and it, eventually, will interfere with the public access laterally along the shoreline, it doesn't block the views, but three out of four, was the determinant for that wall there.

So that's pretty much it on the shorelines. Okay, so if you do -- if we do develop something in the setback area here, it should be elevated one foot above the base flood elevation on pilings or columns; the county is held harmless, no liability; and it should not hardened the shoreline. So these are required rules for things that are permitted in the shoreline, some minor structures. So that concludes my coastal zone management regulatory framework. Are there any questions that anyone has at this point? And then I can wrap up just real quick, five minutes of our -- some additional work we're doing here?

Mr. Billy Buchanan: Yeah, I have a question. Obviously, we're covering our okole with all of these rules and regulations we make -- that we making. In another end, I'm a type of person that, I'm a public servant ...(inaudible - not speaking into the microphone)... the problem is even with all these things ...(inaudible - not speaking into the microphone)... but without notifying the public enough. In other words, I'm saying ...(inaudible - not speaking into the microphone)... and say, if you in this place, this is the rules you going have to live by, or call this number and you get all the rules. I don't think we doing enough to let the public know that there is a problem. Right there, there's a problem right there, the second floor, putting things on the pilings, as you said over there, you putting pilings. You get people that can't get up to the second floor, they can't walk it, and a lot of the protection that a lot of people are talking about, they not worried about the house. You know what they worried about? Losing their land, and their land value. That's where most people ...(inaudible - not speaking into the microphone)... the house thing is what we created to stopping losing anything. So I kinda like yes and no, you know. I mean a lot great stuff

come from this thing, but at the same time, there's problems, there's major problems that it the public. We got a whole homestead area right in Kapaakea. They all got these walls over there and the beaches are gone. But guess what? When those things were put up, nobody told them ...(inaudible - not speaking into the microphone)... but where is their head at? Their head is at, oh, I no like lose my property ...(inaudible - not speaking into the microphone)... so I'm not sure what all the answers are because I don't think anybody can be sure what the answers are for all of those -- to cover all those things. I just really, really concerned about not having enough information out there for these people that are in the SMA area to make a firm or justifiable decision of what they should be doing.

Mr. Buika: Right. Well, and thank you for serving on this board because you, by serving on this board, you do, with this Commission, you do represent the public, you are the public's voice in many ways. You can make decisions one way or the other. You can vote things up; you can vote things down, right? So you take your knowledge, that's the purpose of our training, this is to provide you with additional knowledge. Everything you talked about, all of us, in the Planning Department, struggle on a daily basis. Pam struggles on a daily basis with this with all of her people trying to involve as many people from Molokai as possible. And, obviously, when they built those walls 20, 30, 40 years ago, they didn't have the knowledge or the information or understanding of coastal hazards that we have today, so we're like we are coming in at - remember that slide I had of the planning process with the lines there - we're -- huh? The planning stages. We're way down at number eight, and we're trying to fix things at number eight instead of -- I mean, luckily, Molokai is not developed like other islands, other places are, and you have an opportunity with all this information to -- to plan correctly, and that's part of the community plan process going on. And then the SMA, at least, again, it -- it may not be notifying everyone of what's going on, but what it does is when a project comes in in the SMA, it's an opportunity to educate, from the Planning Department point of view, to educate the applicant. We spent an hour with Ms. Van Heek this morning, she's from Canada, she had no idea what the rules were, how to manage her shoreline. She said, thank you, thank you, thank you. You know. Well, of course that makes sense. I didn't understand that. So it is -- it's, you know, I concur with your comments, we're trying to do the best job we can from the process, and there are these safeguards built in as much as possible, some public hearing, for the major projects, right? And that kinda gets to this next project. Are there any other questions? Yes?

Ms. Swenson: Okay, you know, one thing that bothers me about the SMA on Molokai is that it includes Ranch Camp, and those are small homes, up out of the flood zone, and owners, most of the owners there have ...(inaudible)... and then they have to come and jump through all of these hoops to put up a carport or things that the staff could handle, and I really feel like the homes in Ranch Camp that are up and out of the flood zone need to be taken out of the SMA zone.

Mr. Buika: Well, that's a -- it's a unique characteristic of the Molokai Planning Commission that, on Maui, if you're in the SMA, you want to put up a carport, Clayton can authorize that through the planners; on Molokai, because of your rules, you require every single thing to come to the Molokai Planning Commission. You can change that too. You can have things exempted like they are and trust the Planning Department to make some of those decisions. But for some reason, this body wants to see the carports and the --

Ms. Swenson: It's not this body. It was one individual that was on this Commission.

Mr. Buika: Well, what I'm saying is then I mean that potentially can be changed. I mean I think there is -- I mean I'm -- maybe I'm -- I don't know if I'm speaking for myself but I'm probably speaking collectively, that there are frustrations, I'm sure, that many, many minor projects have to come to this body for concurrence and, you know, but that's -- so anyway, yeah, I agree. There are -- it's not a perfect system, and you have the ability to change that if you want to, you can change the SMA boundaries if you want to, there is a process for doing that; you can minimize them, you can maximize them. Again, it's where do you need an environmental review, you know.

Ms. Pogue: Jim, can I?

Mr. Buika: Sure.

Ms. Pogue: Just really quick, not that you need to hear me through a microphone, but CPAC, in the community plan, is addressing this very issue, and share your frustrations, Diane, and they've put that as an action item is to look at the SMA boundary again and possibly change that, and you'll see that when the plan comes your way. It's definitely a hot issue.

Mr. Buika: Okay, I got about five more minutes here, okay. I just want to inform you, again, educate you folks a little bit more about a project that Tara and I, I was the principle investigator, Tara was the project manager, we involved 30, 35 people from Molokai in some under-served communities, and what we have been doing is we're saying, okay, Molokai Planning Commission, what happens after a big coastal storm, and we have our property losses, we have our coastal damage, we have all kinds of damage on the shoreline, right? You understand your commitment now to reviewing projects, what would happen to the permit system after the hurricane, say in a large coastal zone? Maui's got its problems. Most of the resources are going to be over there. How do we get under-served communities, such as Lanai, East Maui, Molokai, served and rebuilt in a permit process way quickly? So this goes to the heart of you guys here. We're trying to help you out as much as possible, but, you know, we got a tropical disturbance out there right now. Last year, August 7, 2007, we had a couple storms, Hurricane Iselle that hit, Tropical Storm Julio, right, we had some damages here, we damages around the islands, so it's not a

matter of if, but when we're going to have a hurricane we're going to have this situation and you guys are going to be in the middle of it, not only that, the Planning Department's going to be in the middle of it because we're going to have -- we're going to probably have a hundred times more work in terms of the permit process than -- and what I'm going to do is I'm going to -- I've gotta slide out of order here so I'm going to zip up to this -- I just want to show you this thing here. It's this one here. So the objective of this project, we got a NOAA grant, and we came over to Molokai and asked people: How do we streamline the permit process? This is kind of the crux of what I'm talking about. We have -- we have lots of damage out there, and we have, potentially, people can get reimbursements from FEMA, Federal Emergency Management Agency, and private insurance companies, right, that are insured for damage to their homes, but you can't get it -- but to get reimbursements, they require a permit from the county. So all of this damage needs to be permitted to be rebuilt. Something with a stamp on it, architectural stamp, county permit stamp, and we have limited staff to do it. We have political pressure to rebuild quickly, and not only that, we have to do these permits 'cause the county has liability concerns. We can't go and rebuilding electrical or plumbing not to code, right? The, you know, our firefighters, everyone will go crazy if we start, and we'll have houses burn down, etcetera. So we have codes we have to comply with, and so we have this planning conundrum here. How do we streamline this process? So this is what we're trying to do is expedite the permit process and so -- anyway, this is just a quick overview, but so what we have developed is, specific for Molokai, specific for Hana side, specific for the west side, north shore, and south side of Maui, we've developed some kind of a draft permit process procedure that would expedite things, not only that, I worked for FEMA for 14 years, so this kinda goes -- it's kind of a combination of my Federal FEMA experience and county planning experience, what tends to happen after disaster is there his period of like three weeks when the Planning Department tries to get their act together, each of you has homes over here, you may have different various levels of damage, okay, what's the first question on your mind? My home is damaged, whether you're rich, or poor, or live up country, or on the shoreline, I have a certain amount of damage, what do I do, County of Maui, Planning Department, to rebuild? You know, give me some instructions. Tell me what to do. Do I need to take pictures? Do I need an inspector? Do I need to come in? Do I need to go here? Do I need to go there? Where do I get resources? What do I do to put the roof back on my house? Do I need a permit? Or no? Can I just do it and takes pictures after? So usually there's this gap of information for one to two to three weeks, as it trickles out, people start rebuilding, they start rebuilding in haphazard ways, in dangerous ways, and we continue to increase our risk because of lack of information. So this project is attempting to triage, expedite projects.

So I'll take you to this kind of -- this little thing here. We have various -- so what we did is we examined on the shoreline ten different types of damaged types, damage type one, two, three. So we have damage impact going in this direction. Low-level impacts, such as a roof getting blown off, to high-level impact, and we have different types of shoreline types,

bluff shoreline that wouldn't be damaged to a very sensitive shoreline type. So, obviously, low amounts of damage in non-sensitive shoreline types, we want to fast-track, right? We want to -- somebody who's not on the shoreline, we want to be able to let them rebuild quickly. Okay, so we would have a category of actions that would be green. Go rebuild. Follow best management practices. So the Planning Director would get on the airwaves with information out to the public, day one, a public service announcement with instructions of the type of actions that are allowed that can be done without permits that wouldn't need this Molokai Planning Commission to review, okay. That may be a category. Continue. There might be things, such as so you had waves come into your house, little more damage, you lost your electrical panel, your circuit breaker, do you just go do it by yourself, put it back? Or do we need an inspector? Probably I think the consensus would be we need a professional electrician to come inspect and give us advice. So that may need a -- that would be a yellow category. So different damage types along certain shorelines we would wait. We need an inspection. We need to assess the damage. We need additional best management practices may be required. So we would have an inspection track. And we could also, on day one, we could define what those damage types are, and the Planning Director, the Mayor, the Molokai Planning Commission could have a public service announcement, instructions to photograph, document, and report damages, and setup an inspection date. So you, with an electrical damage, would know what to do on day one. So then we could have a red area here, very environmentally sensitive, an ecosystem. You all know the most important shorelines here. If we had damage to the shoreline, and a building falling in, do you put rocks there, or do we go through the normal permit process? This would be a category of stop, follow an environmental track, come to the Molokai Planning Commission, and get permission to do it first. There may be environmental or cultural impacts must be mitigated. So we would have -- commence public service announcements.

So we're trying to triage this. We have a set of public messages that the director -- that we have put together that we can get out to the public. We would, Tara and I, and others from the project, Zhantell was part of the project also, we would like to come back and vet all of this with the same people on Molokai, the 30, 35 people we had. So that's basically it. I'm going to just whip through. What we did is we had this great game board, four-by-five, where we actually looked at those -- the damage types, shoreline types, and green, yellow, red; we kind of prioritized things that are important to Molokai right here, last year, so we captured that information. These are some of the workshops. You can recognize some of these nefarious characters here from your community that were involved. It was very productive. It's the first one we did. We have things, some common threads in all of our five workshops, pre-deputize inspectors, there may be people that are maybe retired electricians or architects here who know this stuff who we could deputize; different information here; Molokai had -- they brought to our attention the equal hazards on the Hawaiian homelands, the low-lying areas, our fuel tank farm, and the pipeline on the harbor is very vulnerable, we want to mitigate that. Home, even though one of the priorities was

even though homes are majorly damaged, that would take a long time to repair, they say we need to repair all the homes as our priority because, if not, people will leave the island, the economy will tank, so we want to get people back into their home even if it's substantially damaged, that should be our priority. And an interesting thing was, if our resources are limited to put a -- we should focus on rebuilding homes rather than fixing a swimming pool or repairing a shed, or something like that, an accessory dwelling. So I'll leave it at that. Let's see, there were other comments from each of the communities. We have -- we talked about mitigation strategies, here are some of them, retrofit; rebuild to code; armor; elevate; adaptation strategies, if you lost land, you can reconfigure your home if your home was out here before, you could reconfigure it, you can relocate, retreat. We are attempting, on Maui especially, to restore some beaches, we could demolish, retire, so these are adaptation strategies.

We came up with, you know, and, obviously, there's an ideal permit system that we discussed with the community about this triage, green, yellow, red, some things would need permits, some things wouldn't need permits; to reach that state, we developed a lot of things that are missing, so it's a kind of gap analysis of where we are today versus where we need to be in the future, so we have a list of those and we're trying to capture some low-hanging fruit, some of the common themes that came up to improve this process, so that was an ...(inaudible)... came out of it. And then, finally, we have these public messaging products. We developed a communication strategy for Maui Planning officials, identify key messages by topic, by damaged topic, by, okay, by damaged topic; by shoreline type; tailor the message for each community, so we have messages for Molokai; we've compiled five guidelines for rebuilding, for homeowners; and we have ten different categories of storm damage with 26 different types of messages out there, depending on your damage. So we haven't tested it out yet, and maybe this year we will have to test it out, but we're not real anxious to test it out, we're anxious to improve it. I know I've been talking, me and Tara have been talking a long time here, so any final questions from anyone? So anyway, we wanted to at least give the -- you, Commissioners, a little update on this project that Zhantell was involved with, Tara and myself. Thank you.

Chair Jennings: Thank you. Appreciate it.

Mr. Buika: Back to Clayton.

Mr. Yoshida: Okay, thank you, Jim and Tara. I guess -- does the Commission want to take a short break now or do you want to --

Chair Jennings: Well, I have problems that I would need to take care of and I would go --

Mr. Yoshida: I think we need to have a quorum here.

Chair Jennings: Well, I'd like to listen to this -- yeah.

Mr. Yoshida: Yeah, why don't we have Carolyn talk about flood hazard and then we can defer the rest of the workshop to the next meeting, so we have Carolyn Cortez is a Supervisor in our Zoning Administration and Enforcement Division, and she's most knowledgeable about the flood hazard program. I'll turn it over to Carolyn Cortez.

6. Flood Hazard Districts - Zoning Administration and Enforcement Division

Ms. Carolyn Cortez: Hi. Good afternoon, Commissioners. My name is Carolyn Cortez, and I am a Planner with the Zoning Administration and Enforcement Division. Okay, so I will be giving you a brief orientation on Chapter 19.62, Flood Hazard Areas. Okay, my presentation will cover the following: the flood hazard ordinance, flood maps and construction standards, the community rating system, and the Planning Commission role as it relates to flood hazards. And then I'll also be going over the upcoming map revision, which will be effective November 4, 2015.

Okay, this page is just acronyms for easy reference because I'm sorry, I apologize, sometimes I'll use acronyms because it's easier and just very common, it's a common language, and just stop me if I say something that you don't understand, but I just included this for your reference.

Okay, the County of Maui first enacted Chapter 19.62, Flood Hazard Areas, in 1981 when the county joined the National Flood Insurance Program. We had first -- our first revision on September 25, 2009, which coincided with the adoption of FEMA's Digital Flood Insurance Rate Maps, or DFIRMs. Okay, the purpose of the National Flood Insurance Program is the protection of life and property, and the reduction in cost for flood control, rescue and relief efforts. When we joined the NFIP, we guaranteed affordable flood insurance for our residents, and when I say "affordable," I mean that the insurance premiums do not reflect the true actuary or risks as one would receive from an underwriter, such as Lloyd's of London, so the National Flood Insurance Program guarantees flood insurance for our insured that are in the flood zones, and it's at a subsidized rate.

Okay, so these are photos of the old paper-based maps, we had those when we joined the flood insurance -- National Flood Insurance Program in 1981, that is the map on the left. As you can see, it was just -- we had to do these determinations by paper map and there were no parcel layers, and we had these from June 1, 1981, when we first joined, through September 2009. On September 25, we got digital flood insurance rate maps, and this was part of FEMA's map modernization project. Nationally, they digitized all of their DFIRMs -- or FIRMs into digital flood insurance rate maps.

Okay, and the State of Hawaii developed a flood hazard assessment tool, they took it one step further, they took the FEMA DFIRMs with the imagery and they put parcels on it. This parcel layer is from our Real Property Tax Division, it's updated maybe yearly, and what it does is it gives us the parcel layer where FEMA's does not include the parcel layer, but I have to warn you that this parcel layer is approximate. It just kinda gets us in the area but for close determinations, we would not rely on the parcel layer, we would rely on the imagery and the flood.

Okay, and so this important, how do I find my flood zone? There's two methods. One is through the FEMA digital flood insurance rate maps, and the other is the state flood hazard assessment tool, which has the parcels on it. So my presentation is going to include screen shots from this tool 'cause I like to use it, especially because of the parcel layer. Okay, and this is what it'll look like. If you go to this URL, this is the welcome screen; on the right, you can do property searches by street address or tax map key. And under the layers tab, there are imagery layers, there are also, what you will be interested in, is the new map, the preliminary map that becomes effective on November 4th of this year.

Okay, so the flood zones on the flood hazard assessment tool and on FEMA's website also, these are delineated by colors. Okay, so we have the green is X, zone X, and X shaded. They are areas of 500-year flooding, or 2 percent annual chance flood plain. No critical facilities should be located in the XS zone. Okay, the 1 percent annual chance flood is also called the 100-year flood. The term "100-year flood" is often misconstrued. Commonly, people interpret the 100-year flood definition to mean once every 100 years. This is incorrect. An individual could experience a 100-year flood 2 times in the same year, 2 years in a row, or 4 times over the course of 200 or more years. To avoid confusion, the NFIP uses the term "base flood." A 100-year base flood is defined as having a 1 percent chance of occurring in any given year, so the 100-year flood has a 1 percent chance of occurring in any given year. The terms "base flood," "100-year flood," and "1 percent annual chance flood" are often used interchangeably. So from that explanation, what I'm trying to say is that the 100-year flood is the actuarial probability that it's a 1 percent of happening in any given year. So it won't happen, I guess probability-wise, it's determined or calculated to happen once every 100 years, but it could happen -- it could happen year, it could happen twice a year. It's just like -- sort of like a crap shoot.

Okay, AE zones, these are light blue, and this corresponds to the 100-year flood plains and have been determined by flood insurance studies by detailed method. So anything that begins with A, like AE, AH, AO, the flooding is caused by riverine flooding.

Okay, and then we have VE, which is coastal flooding, and they have that additional hazard associated with storm surge, so V, if you think of V for velocity, so this is along the coastal areas. Okay, and then AEF is a-- this is FEMA defined floodway, and FEMA defines as it the channel of a stream plus any adjacent areas that must be kept of encroachment so that

the 1 percent annual chance flood can be carried without substantial increases in flood heights. So all it is is the channel of the stream that FEMA has determined that will carry the 1 percent annual chance flood. So construction is restricted in AEF flood zones, where AE flood zones and VE flood zones, you can build in them with certain standards; AEF is more restrictive.

Okay, and so this is from Maui County Code, this is the definition of "development." If you read that definition, it's a very broad definition. It includes practically anything that you do within a special flood hazard area. And if you do any type of development, you will be required to have a special flood hazard area development FIRM permit before construction begins.

Okay, so flood insurance rate maps and standards, flood zone A, which we said is riverine flooding, the standards for construction is you need to elevate structures to one foot above the base flood elevation, design structures to withstand flood forces, protect utilities H back, heating, ventilation, air conditioning, and what Maui county requires is that no-rise in the base flood elevation is allowed. That is something that is -- it's something that Maui County does to protect their insured more than what FEMA requires, and I'll talk about the community rating system. We get points for doing things that offer higher levels of protection than FEMA requires. Okay, so no-rise analysis is required, it's mandatory for development within A, AH, and AE flood zones, and some of the ways to mitigate construction in flood plains is post and pier construction, and also expansion of wetlands to increase flood storage. Okay, for flood zone V, coastal flooding, these are the standards for construction: elevate the lowest horizontal structural member to one foot above the base flood elevation, design structures to withstand flood forces and wave surges, and protect utilities.

So this is a typical building section and it's illustrating the difference in construction requirements between V zone and A zone. So in the A zone, you're required to have the finished flood one foot above the base flood elevation. In the V zone, you're required to have the lowest horizontal structural member one foot above the V zone. So that's the difference for the elevation. On the bottom here, any enclosures, we discourage enclosures below the base flood in VE, but if you do enclose for small storage areas, it has to be built with breakaway walls. And then construction in A zones require the equalization of the pressure from the water on the outside, so you're required to have venting here so that the flood waters can flow through, and Maui County requires one foot of freeboard, which is an extra layer of protection.

Okay, so the community rating system, this is an incentive program to encourage flood plain management activities that exceed the minimum National Flood Insurance Program requirements, so it's a voluntary program. We are only one of two counties in the State of Hawaii that participates. Maui County, for a long time, was the only one that was in the

CRS program. Hawaii County joined in maybe a couple of years ago. What it does is it's a voluntary program and what we have written in our code are higher regulatory standards, and what we get by doing this is we get reduced flood premiums for our insured. So right now, we are a class 8 community, which affords a 10 percent discount off of our flood insurance premiums. Maui County has about 12,500 policies. We have 6.8 million dollars in insurance premiums. So by doing this program, we save about \$680,000.

Ms. Swenson: You know, I have a quick question. The average insurance premium on an oceanfront property over here for flood insurance over the years has been like 1000 to 2500 a year, and they just had gone up 10 times. I mean we just sold a house on the East End, and it was a modest home, and when they went to get their flood insurance, it was going -- their premium was going to be \$14,000 a year, which is more than their mortgage payment was going to be, and then they no longer qualified for the loan. So flood insurance is totally out of control. I mean it's not affordable. And this has just happened this year.

Ms. Cortez: Yes, what happened was the National Flood Insurance Program, with the Reform Act, it was called "Bigger Waters National Flood Insurance Reform Act of 2012," Congress revamped the whole NFIP program. What they did was they were enacting certain stipulations for second homes, for businesses, whereby the insurance rates are going to be going up until they are -- they are truly actuarially risk rated, so we used to have pre-FIRM structures, which were structures built before 1981 when we joined the NFIP, those structures were grand-fathered. Many of those structures did not -- were not built with flood construction standards because we did not -- we were not in the program. So what happened with those structures, they were grand-fathered in, and they were receiving these preferred risk policies, and the insurance was very low, and that now is going to be phased out and taken away, and what I've heard is that each year, your policy can go up by 25%. And so what happened was, in 2012, there was the Bigger Waters Insurance Reform Act, then in 2013, I believe there was the Grim Water Insurance Act, and they also had changes to the flood insurance program. So the public flood outreach that we're holding on July 28th, we're having a flood insurance specialist from FEMA Region 9 come in, and she'll be able to talk about all of the changes that have happened because I'm not really up-to-date on what's happening in particular, I just know that July 1st of 2013, and then October, of last year, I believe those were like milestone changes and certain things started to increase.

Okay, so you have this knowledge about flood zones and what, as Commissioners, can you do. We have Pam Pogue here, who is going, right now, through the community plan update for Molokai, and open space, this use, so this is a community plan designation, open space, and the definition is that this use is intended to limit development on certain urban and non-urban designated lands which may be inappropriate for intensive development due to environmental and physical constraints, such as shoreline buffer areas,

drainage ways, flood plain, and tsunami areas. So when projects come before you, and they're looking to change their community plan designation from open space to something else, take a good look at the corresponding SMA areas, the flood areas to see what -- if what the project, what they're proposing, would be appropriate for that area because a lot of times the open space corresponds to floodway areas. And then now you have a really great opportunity, with the community plan update, to take a look at the flood areas, the flood zones, and maybe have those areas correspond to open space, or something more restrictive.

Okay, so the upcoming map revision, how is Molokai going to be affected. So FEMA is revising their DFIRMs effective November 4, 2015. What's happening is Kaunakakai Stream Levies are being decertified causing areas on either side of Kaunakakai Stream to be placed into special flood hazard areas. If you look on my slide, let's see, this one before, you can see here, you can't really -- but zone X protected by levy, so this is green, no mandatory insurance, it's not considered a special flood hazard area, it's just zone X, but it's protected by levy. What's going to happen is because the Kaunakakai Stream Levy is being decertified, this area here is going to be turning into zone AE, this area here also is going to be zoned AE. And the other thing is that the Statewide Hurricane Study is being integrated into the DFIRMs, which may cause higher base flood elevations and inclusion in the special flood hazard area for properties along the south shore of Molokai. So there was a statewide hurricane study done I wanna say sometime in 2007, or something, with the FIRM revisions in 2012, Maui County and Lanai had the hurricane study integrated into their FIRMs. The revision in 2012 did not include any Molokai panels, so you guys were spared that revision, and what's happening with revision is now Molokai is going to have the hurricane study integrated into the DFIRMs as well as the decertification of the levies, that's the two main things for Molokai panels, and this is going to be effective November 4, 2015.

Okay, so what does this mean? Mandatory flood insurance for all residential and commercial properties that have a federally-backed mortgage, that's mandatory. The bank will require flood insurance, and then as Commissioner Swenson brought up, the NFIP has been going through this massive revamp, things are changing quickly. It's just really quick. They're making all these decisions. So I'm not sure how much flood insurance is going to cost but we know it's going to be kinda significant. So that's one thing. Then as far as construction goes, you're going to have all of the construction standards that I mentioned before about elevation for V zones, post and pier construction, you have to be one foot above the base flood elevation; AE zones, you have to have venting; for both, you have to protect all of your utilities, your H-back, they have to be elevated or flood proof, and that goes for all development, so we're looking at grading, subdivision, new construction, and substantially improved structures, and there will be limitation and prohibitions on development within special flood hazard areas, as I was saying, like for the floodways,

there are certain things that you cannot do in floodways. You cannot place fill in VE zones. There are just some things that are not allowed period.

Okay, so what should the residents of Molokai do? They should use the FAAT or FEMA, the tool to find out if your property is being placed into the special flood hazard area. That's the first step. And then attend the public outreach meeting that is scheduled for Tuesday, July 28, from 1 to 4. As I said, we'll have a specialist from FEMA, a flood insurance specialist. We also will have the state national flood insurance program coordinator from Oahu, and then we'll have me, my staff will be here also to answer questions about whether or not properties are in the flood zone and what does that mean. Also, what's interesting is that if your grade is above the base flood elevation, there are -- there's a method or there's a procedure that you can get your property removed out of the flood plain, possibly, and not have to pay insurance. So all of that information, all that information will be there, and then to spread the word, that's a big thing too because a lot of people don't know yet. We did another outreach last year and the turnout, we mailed individual letters to each of the property owners that was going to be affected by the new flood maps, and out of a thousand people, I think 33 came to our flood outreach at that time.

Chair Jennings: I have a question.

Ms. Cortez: Yes.

Chair Jennings: I am not going to use the microphone. Well, I guess I'm going to because it's shoved in front of me. Will this public outreach meeting, will that be publicized in our paper or so ...(inaudible)...

Ms. Cortez: Yes, the public information officer from the Mayor's office, he did a press release, I think it was last week Friday, and then I believe he's going to -- he's responsible for disseminating all of the information, and I think he was trying to get it published in *The Molokai Dispatch*.

Chair Jennings: Yeah. Yes. Okay. Okay. Thank you. I just wanted to make sure that it got out to everyone so that they could come to this. Thank you.

Ms. Cortez: And that's it.

Mr. Yoshida: If there aren't any other questions Carolyn, we'd like to thank again our workshop presenters, Pam Pogue, Tara Owens -- oh, we have a question for Carolyn.

Mr. Lawrence Lasua: Carolyn, I know your name as far as the list goes, I know you guys are involve in all this flood hazard and all that, but what kinda affects me is the fact that the insurance will be going up on all these, and was there any situation for anybody in Maui

County that when the insurance company start hitting Maui County where there's going to be a limit set on these kinda things?

Ms. Swenson: They already are.

Mr. Lasua: They already are? But it's a higher limit. It's a higher limit?

Ms. Swenson: No, I mean they -- no, I mean prices have gone way, way up.

Mr. Lasua: That's what I'm saying, is there a way the county can address this situation with the insurance companies in the state. I mean it seems ridiculous that on the island of Molokai, you can't even afford to get the insurance but yet required by the banks to get it, and that's what kinda puzzles me. I mean we're doing all this for the sake of safety for the people, but yet the people can't even pay for the safety, and that's my concern.

Ms. Cortez: Yes, it's federally mandated. I'm not exactly sure -- yeah, I'm not exactly sure what the county -- I don't know it --

Ms. Pogue: So in my previous life, I was the State Flood Program Manager for Rhode Island for 18 years, and we went through the mapping that you guys are about to go through this fall back in Rhode Island, and it hit an area that is, much of Rhode Island, on the East Coast, north of Massachusetts, rather south, was developed along rivers because that's where the industrial revolution was born, similar situation, 99% of the blue color workers and families lived along the rivers, which are in A zones and B zones, and all of a sudden they went from no to minimal flood insurance policies to now, all of a sudden, thousands upon thousands upon thousands of dollars a year, and the bottom line is there's a couple answers; number one, the reason why this is happening is because, in the last 10 to 15 years, we've had this predominance of events, national disasters, Katrina, Wilma, I mean you can -- Andrew, you can start with Andrew and go right down the line, which has basically completely robbed the treasury where Congress can't even afford to pay for all of this, you know, all of these properties, so back in 2010, 2008, the director of FEMA then was looking at, basically, taking off properties out, like not even having insurance - you lose it, you're on your own. That kind of a thing. So now, that's why these insurance rates have gone up is 'cause the treasury cannot afford every single year to bail, quite frankly, everybody out who are built in these areas. What we did in Rhode Island is we worked very closely with the state insurance commissioner and the state insurance commission, and there wasn't much we could do other than, back then, we had what was called "a preferred risk policy" where you pay, basically, up to \$212 a year, and you pretty much get the same coverage, but you're not on areas that are fronting a shoreline, you're in areas that might be susceptible to riverine flooding, so Carolyn's right, I mean the bottom line is that these are federally-backed mortgages, and because they're federally-backed mortgages, of course, the Federal Government can, basically, bring down a mandate to

protect those coffers, if you will, but what I would suggest is to -- there were a lot of writing campaigns, and we worked very, very closely with our state insurance commissioner, who basically is looking out for the State of Hawaii and dealing with FEMA and the National Flood Insurance Program in dealing with the issues you're asking about. There really is very little that the county can do because, of course, it's private property with a federally-backed mortgage.

Mr. Buika: I'll comment. A lot of those homes were put into the flood plain because the flood wall was decertified, so what we should do, collectively, and I think Pam has put it in the -- working with the CPAC, is to look for funds to reinforce the flood channel there to recertify the -- I mean that's really the only logical thing for that, right, is that, all of a sudden, on day one, they're not in the flood plain; on day two, because of some arbitrary engineering decision, they're in the flood plain, so what we need to do is find out, physically, and then probably do an engineering study to figure out how to recertify the flood plain.

Ms. Cortez: Okay, sorry, yes. I do have an update on the Kaunakakai levy certification. Okay, so the Department of Public Works had hired a consultant to assess the deficiency in the Kaunakakai levy system. Yep, HDR. So -- and this was started last year. So the consultant has identified the deficiency and has proposed various options. DPW right now is reviewing the solutions and they're trying to decide which one is going to be the quickest most cost-effective solution, and what, in talking with Public Works 'cause they're in charge of recertifying the levy, they're trying to recertify the levy so that this area will possibly be -- oh, sorry, the green area will possibly be taken out and, again, be able to be put in X zone, so what's going to happen is they're trying to do that. So there are levies along this portion of Kaunakakai, and this portion of Kaunakakai. And this portion is where we have Kaunanakai Stream, sorry, and this portion is where we have a lot of the houses, businesses and stuff, so they're trying to figure out maybe they can get this part of the levy certified first so that this area can be taken out, which is the business center and, you know, all of the homes and business, and the possibly then do this portion at a later time, or they're just trying to figure out how they can certify to get the most benefit for the residents, you know. And they're also reviewing the stream flow calculation, so they're doing a engineering study on how much water actually comes down because that also could possibly, if the flow is lessened within the stream, then the levy doesn't have to be as high, so they're also looking at that, and that's what I got from Department of Public Works.

- 7. County's Policy Against Sexual Harassment**
- 8. The Planning Framework**
- 9. Zoning**
- 10. Bed and Breakfasts and Short-Term Rental Homes Permitting**

11. Environmental Assessments (EA) and Environmental Impact Statements (EIS) Chapter 343, HRS

E. DIRECTOR'S REPORT

- 1. Agenda items for future meetings**
 - a. July 22, 2015 meeting**
- 2. Pending Molokai Applications Report generated by the Planning Department (Appendix A)**
- 3. Closed Molokai Applications Report generated by the Planning Department (Appendix B)**

Mr. Yoshida: So are there any more any questions for Carolyn. Okay, if not, we'd like to thank our workshop presenters, and we'll defer the rest of the workshop until the next meeting, I guess we don't have any agenda items so in all, right now, so in all probability, that meeting will be canceled. And we've circulated copies -- so the next meeting would be August 12. And we circulated the list of pending and closed Molokai applications, if there any questions on that. Okay, the next meeting is August 12, the meeting place to be determined. They keep telling me, oh yeah, we're going to have Mitchell Pauole next month, Mitchell Pauole next month, and then, you know, we get to the next month, oh no, we have to go to another place, so we'll keep you informed, but that you very much for your attendance.

F. NEXT SCHEDULED MEETING DATE: July 22, 2015

G. ADJOURNMENT

Chair Jennings: Yes, thanks everybody, the Commissioners and the -- you guys, I can't say the word, thank you very much.

There being no further business brought before the Commission, the meeting was adjourned at 1:42 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

Michael Jennings, Chairperson
Billy Buchanan
Ron Davis
Zhantell Dudoit
Lawrence Lasua
Diane Swenson

Excused

Douglas Rogers, Vice-Chairperson
Marshall Racine

Others

Clayton Yoshida, Planning Program Administrator, Current Division
Pam Pogue, Planning Program Administrator, Long Range Division
Jim Buika, Coastal Resources Planner, Current Division
Carolyn Cortez, Planner, Zoning Administration and Enforcement Division
Tara Owens, UH Sea Grant Program