



FAQS: Measuring the impact of the proposed new shoreline rules for Maui County

Introduction

- Maui County regulates the area immediately mauka of the shoreline through the “shoreline rules.”
- Under Hawaii law, the “shoreline” is measured at the upper reaches of the waves.
- The “shoreline setback” is the distance between shoreline (where the waves stop) and the end of the strictest regulations.
- The “Erosion Hazard Line” or “EHL” is a prediction of where the shoreline might be located in the year 2100 based on a computer model predicting the possible impact from sea level rise.
- The EHL was developed to predict the effect of sea level rise on an “all sand” shore, including sandy nearshore and sandy dunes.
- The EHL doesn’t consider things like revetments (think Kalama Park) or sea walls (think Front Street).
- The EHL doesn’t consider Maui’s complex shoreline, which has reefs, rocky coasts, elevation changes and lots of other features.
- The County’s has created draft “proposed rules” to change the how the setback is measured.

How do the proposed rules change the law?

- The proposed rules would change how the setback is measured by using the EHL instead of the actual shoreline—end of the waves—as the starting point for the setback.

- The proposed rules ignore the location of the actual shoreline (upper reach of the waves).
- Under these proposed rules, where there is no mapped EHL, the setback would be 200 feet mauka of the end of the shoreline.

What impact could the proposed rules have on my family and me?

- In most cases, the EHL is significantly mauka of where the waves stop today, putting the setback much farther mauka than it currently exists.
- If you own property within the bigger setback, which includes places not on the coast:
 - No new homes or other structures could be built on your property within the bigger setback area. This could include rebuilding a home or structure if it is damaged by wind or flooding.
 - Repairs of existing homes or structures would be limited to \$500,000 within a 12-month period.
 - Insurance could be harder to get and go up in price.
 - It could be more difficult to obtain a loan for your property.
 - Use of the property could change, phasing out things like existing businesses, homes and agricultural use.
 - There would be new requirements from the planning department requiring approval of things like family celebrations, community events and luaus on your private land.

- If you visit the shoreline:
 - Loss of coastal improvements, including businesses and restaurants, such as those lining Front Street.
 - Loss of beaches, beach parks and beach walks.
- Everyone in the County:
 - Limiting where homes and structures can be built and limiting how homes and other structures can be repaired and rebuilt will reduce property values, leading to less revenue from real property taxes and less funding for our county government to support our local non-profits, parks, roads and more.
 - Closing shops and restaurants within the setback means less economic and recreational activity, also reducing potential revenue for our community and small business owners.
 - The proposed changes will make the county vulnerable to lawsuits and compensation claims in an already strained economic climate.

Why is the County changing the rules?

- The Planning Department is seeking to impose a shoreline management policy of “retreat” for the entire island.
- “Retreat” means abandoning the coast to sea level rise. The Planning Department does not say how “retreat” will happen, where property owners will retreat to, what will happen to structures that succumb to advancing sea level rise (if the Planning Department will not allow owners to protect their property), or how to keep beaches safe during and after “retreat.”

What are the alternative solutions?

There are three strategies available to our community to respond. The county has proposed using one—retreat, but all tools should be deployed to protect our diverse natural environment, home owners and

residents, looking at each piece of land to decide what works best, as opposed to a one-size-fits-all approach.

1. Retreat: Abandon the coast to sea level rise. (County proposed strategy.)
2. Adaptation: Making changes to existing structures so they are not as impacted by sea level rise, like elevating structures along the shoreline.
3. Protection: Safeguarding an area to withstand impacts from sea level rise, such as building revetment or nourishing the beach with sand from other locations.

How do we use the alternative solutions?

- We should use all strategies available to us, not just a strategy of retreat.
- We can have bigger setbacks that are balanced and consider the owners and shoreline users today and not just what the shoreline might look like in 80 years.
- We can consider existing improvements, like the wall along Front Street and the revetment protecting Kalama Park, and add flexibility to the rules so these kinds of uses may continue.
- We can look at each piece of land to decide what works best, because our shoreline has features like bluffs, reefs and rocks—not “all sand.”
- We can have a balanced approach to how homes and other structures can be repaired and rebuilt.
- And we can have fewer restrictions and red tape on how the area is used, so we don’t need approval for family celebrations and luau.

By employing all the tools, instead of just one, we can have the right setbacks in place that address our current and future needs, using technology and practices that have been successfully deployed here and in other places throughout the world.

WHAT’S NEXT?

The Planning Commission will consider whether to adopt the proposed rules as is or change them. That version of the proposed rules will go to the Mayor, who can approve or reject them.

Your voice matters. If you would like to be heard on this issue, please:

- Testify at the Planning Commission
- Write to the Planning Commission
- Write to the Mayor’s office