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Editor
Carol Tyau-Beam

Editorial Support
Kristen Akamine
Jesse Colandrea
Edwin Matsuda

Engineering Division Chief
Carty Chang

Wai Halana

Hawaii Flood News

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION



Is your home required to have flood insurance forever ?

Oftentimes a potential buyer is looking for that certain something special when shopping for a new home or investment property. As a buyer, it is important to fully understand the financial obligation of such a huge commitment. Sometimes that commitment includes a buyer's acceptance of the property's increased risk from certain natural disasters such as being located a high-risk flood zone (as identified on FEMA's Flood Insurance Rate Maps, FIRMs). Protecting your new investment against various perils may require improvements to the existing structure and ensuring appropriate insurance is taken out on the property.

The Flood Disaster Protection Act of 1973, made the purchase of flood insurance a mandatory requirement for homes and businesses located in a Special Flood Hazard Area (SFHA) when secured by a loan from a federally regulated lending institution for the life of the loan. Often, this lender requirement is the only motivation for a property owner to purchase flood insurance. Thus, once the financial obligation to the lending institution has ended, many property owners choose to discontinue flood insurance coverage.



However, there is another condition where mandatory flood insurance purchase could still be required, regardless of the existence of a mortgage. Title 44 of the Code of Federal Regulations §206.110(k)(3)(i), states that if a flood damaged property in a SFHA receives federal individual or household assistance for acquisition or construction purposes, then flood insurance coverage must be maintained at the address of a flood-damaged property for as long as the address exists. The mandatory flood insurance requirement remains in effect even if the owner no longer has a mortgage on the property, rebuilds the damaged structure to current floodplain management regulations, and/or sells the property.

Pursuant to the National Flood Insurance Reform Act (NFIRA) of 1994 [Section 582], a seller of a flood damage property (as described in the previous paragraph) is required to notify the buyer in writing of the requirement to obtain and maintain flood insurance. Failure to comply with this requirement may have unintended consequences for both the buyer and seller.

Most property owners are aware that Federal regulated lending institution notify borrowers that flood insurance is required as a condition of a mortgage for structures located in a SFHA. So at first blush, it may seem unneces-

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The current and selected past issues are also available at:
www.hawaiiinfip.org

If you wish to receive the Wai Halana via email or wish to be removed from our mailing list, please contact Kristen Akamine at (808) 587-0281.

Upcoming Events

13th Annual Hawaii Floodplain Manager's Conference



13th Annual Hawaii Floodplain Manager's Conference
Wednesday – Thursday, August 16-17, 2017
Manoa Grand Ballroom (Honolulu)

Registration: <https://2017hifpmconference.eventbrite.com>

Please mark your calendars for the 13th Annual Hawaii Floodplain Manager's Conference! We are planning an exciting conference filled with a variety of floodplain management sessions and case studies. You can look forward to a robust agenda as well as time to network with partners in Hawaii's floodplain management world. This year we will be hosting a Certified Floodplain Managers Exam on Day 2 of the conference.

Please email for more information on the exam or if you are interested in sitting for it. We are in the process of finalizing the agenda so please check for updates at <https://2017hifpmconference.eventbrite.com>.

We look forward to seeing you all there!

Tides Carry Flood Threat

A mix of "king tides", summer swells and high sea levels could imperil coastal areas

Honolulu Star Advertiser article by Timothy Hurley (reprinted with permission)

A rare convergence of rising sea levels with some of the highest tides of the year could cause episodes of serious coastal flooding in Hawaii over the next few months, scientists are warning.

And if a sizable southern swell slams into the islands at the same time as the extreme "king tides," look out.

The flooding could offer coastal communities a snapshot of what the future might look like in a world of escalating climate change and rising sea levels, said Mark Merrifield, director of the University of Hawaii Sea Level Center.

The next king tides will occur Wednesday and Thursday, followed by June 23-24 and July 21-23.

A sample of what might happen occurred April 28, when ocean waters were recorded 9 inches above what was predicted and ended up swamping beaches, boat ramps and some coastal roads in vulnerable areas across the island, including Mapunapuna and Hawaii Kai.

At Waikiki the Hilton Hawaiian Village canceled its weekly fireworks show after water covered the beach where a contractor normally launches its pyrotechnics.

Meanwhile the Honolulu Harbor tide gauge recorded the highest daily mean water level since such measurements began 112 years ago.

Merrifield, an oceanography professor who is also director of UH's Center for Coastal and Climate Science and Resilience, said a number of factors are contributing to the extreme tides and coastal flooding threats.

The ocean around the islands has been experiencing higher sea levels over the last couple of years as cyclical global influences have pushed a vast stretch of higher seas across the Pacific, he said.



COURTESY SEA GRANT HAWAII AND PACIFIC ISLANDS KING TIDES PROJECT - Flooding driven by coming "king tides" could offer coastal communities a snapshot of what the future might look like in a world of escalating climate change and rising sea levels, said Mark Merrifield, director of the University of Hawaii Sea Level Center.

Continued from Page 1, *Is your home required to have flood insurance forever?*

sary and/or redundant for a seller to have to provide written notification to the buyer that flood insurance coverage is mandatory on the property. However, as the seller, you have a duty to notify the buyer of the flood insurance mandate as a condition of previously receiving disaster assistance.

Unintended Consequences

Buyer	Denied future disaster assistance as a result of the lack of flood insurance coverage that should have been maintained on the property [NFIRA§582(a)].
Seller	Reimburse the Federal Government in an amount equal to the amount of Federal disaster relief provided to the new owner, if: <ul style="list-style-type: none"> • the buyer fails to obtain or maintain flood insurance; • the property is damaged by a flood disaster; and • Federal disaster relief assistance is provided for the repair, replacement, or restoration of the property as a result of such damage. [NFIRA§582(b)(2)] <p>Such written notification shall be contained in documents evidencing the transfer of ownership NFIRA§582(b)(1)].</p>

One method of providing a property's flooding history and/or any mandatory flood insurance requirement can be through a real estate disclosure statement. A seller's disclosure statement can be a valuable tool to protect the seller from possible litigation for failing to disclose vital information regarding the property.

If a property owner desires to avoid a NFIRA requirement to maintain flood insurance, they must return all disaster assistance received for flood-insurable real and personal property to FEMA no later than 30 days from the date of the award determination letter from FEMA. (Source: FEMA Publication Individual and Household Program Unified Guidance FP 104-009-03, September 2016)

Tips for Sellers

It is not uncommon for a seller to answer questions on a real estate disclosure with a response such as "NOT TO MY KNOWLEDGE" or "NOT APPLICABLE". Hawaii Association of Realtors Seller's Real Property Disclosure Statement form specifically asks if the subject property is located within a SFHA based on FEMA's FIRM. A SFHA is an area subject to the one-percent annual chance flood and will be identified on the FIRMs as either an A, AO, AH, AE, AE(Floodway), V, or VE flood zone. FEMA has produced FIRMs for the State of Hawaii. Therefore, this question should be answered with a "YES" or "NO" response. The FEMA FIRMs are publicly available through several sources such as FEMA's National Flood Hazard Layer, FEMA's Map Service Center, the Department of Land and Natural Resource's Flood Hazard Assessment Tool, and the individual county GIS websites.

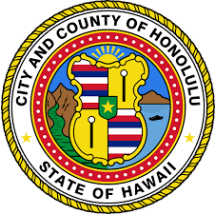
If you received disaster assistance on the subject property and/or have knowledge that disaster assistance was provided to a previous owner, then this information should be noted on the disclosure form. Without the proper disclosure, the buyer may unknowingly drop their flood insurance coverage when their mortgage is paid in full or not even obtain coverage on a cash purchase. This could expose the seller to have to repay any disaster relief that may be paid out to the uninsured owner.

Tips for Buyers

Review the FEMA FIRMs and verify the property's flood zones. If the property is in a SFHA (A, AO, AH, AE, AE (Floodway), V, or VE flood zones), then it doesn't hurt to ask the seller, if not already disclosed, whether they were recipients of disaster assistance or have knowledge that a prior owner received disaster assistance. Knowing this information should be an indicator to the buyer that flood insurance may be required beyond the terms of their mortgage, otherwise risk eligibility for future disaster assistance. It is important to understand the difference between flood insurance and disaster assistance. Flood insurance claims are not considered disaster assistance. Flood insurance claims are paid even if a disaster is not declared by the President. For more information, on "The Benefits of Flood Insurance Versus Disaster Assistance", download the FEMA flier, [here](#).

This article is not meant to be a comprehensive explanation of all the NFIRA requirements. Should you have further questions, we advise you contact your appropriate FEMA office. It is important to remember that although the mandatory flood insurance purchase requirements may no longer exist, the risk of flooding still does and each owner should ensure they take the appropriate steps to protect their family and property.





City and County of Honolulu Updates County's Floodplain Management Regulations

On October 21, 2016, the City and County of Honolulu (CCHON) updated their floodplain management regulations found in Revised Ordinances of Honolulu Chapter 21A, Flood Hazard Areas (ordinance). One of the updates were to allow subgrade crawlspace in flood fringe areas for new construction and substantial improvement if built in accordance with FEMA Technical Bulletin 11-01 (Crawl Space Construction located in a Special Flood Hazard Area) and certified by a licensed engineer or architect.

Crawlspace foundations are commonly used to elevate the lowest floors of residential buildings located in Special Flood Hazard Areas (SFHAs) above the Base Flood Elevation (BFE). Technical Bulletin (TB) 11-01 presents NFIP minimum requirements for crawlspace construction in the SFHA, including (1) requirements for all crawlspace construction and (2) requirements for below grade crawlspace construction that may extend 1 or 2 feet below grade in the SFHA. TB 11-01 also provides a best practices approach for preferred and below-grade crawlspace construction, illustrated in Figures 1 and 2, including design limitations, water accumulation and drainage considerations, and use of flood-resistant materials. This technical bulletin provides guidance on crawlspace construction and supports a recent policy decision to allow construction of crawlspaces with interior grades up to 2 feet below the lowest adjacent exterior grade (LAG), referred to as below-grade crawlspaces, provided that other requirements are met. Prior to that decision, below-grade crawlspaces were considered basements under the National Flood Insurance Program (NFIP) Floodplain Management Regulation definitions and were not permitted below the BFE. This requirement had been established because below-grade crawlspace foundation walls are exposed to increased forces during flood conditions, such as hydrostatic and saturated soil forces.

While communities may allow below-grade crawlspace construction in the SFHA, this type of construction is not the recommended construction method, because of the increased likelihood of problems with water accumulation, moisture damage, and drainage. The use of crawlspace construction with the interior grade at or above the LAG minimizes the occurrence of these problems.

Additional updates to the ordinance include wet floodproofing criteria for accessory residential structures less than 600 sf in a flood fringe areas that is used solely for parking and/or limited storage. This design criteria follows the guidance provided in FEMA Technical Bulletin 7-93 (Wet Floodproofing Requirements for Special Flood Hazard Areas).

Other notable updates were the inclusion of flood development review and permit fees.

Type of Permit Fee

Floodway Permit: \$600.00

Flood Variance: \$600.00

Letter of Map Amendment (LOMA), and Revision Based on Fill (LOMR-F): \$300.00

Letter of Map Revision (LOMR), and Physical Map Revision (PMR): \$600.00

Flood Hazard Area Interpretation: \$150.00

For more information on the recent updates to the CCHON Floodplain Management Ordinance (Chapter 21A), contact CCHON's floodplain manager Mario Siu-Li at (808) 768-8098.

Useful Links:

Technical Bulletin 11-01: http://dlnreng.hawaii.gov/nfip/wp-content/uploads/sites/11/2013/03/fema_tb_11.pdf

Revised Ordinance of Honolulu 16-30: <http://www4.honolulu.gov/docushare/dsweb/Get/Document-188632/ORD16-030.PDF>

Technical Bulletin 7-93: http://dlnreng.hawaii.gov/nfip/wp-content/uploads/sites/11/2013/03/fema_tb_7.pdf

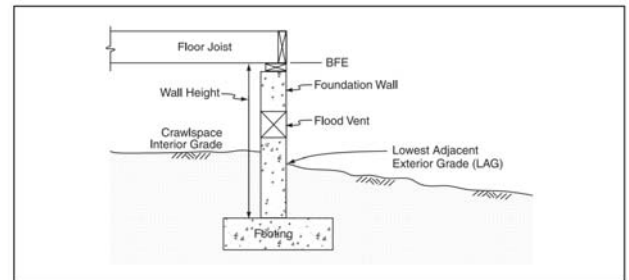


Figure 1 Preferred crawlspace construction.

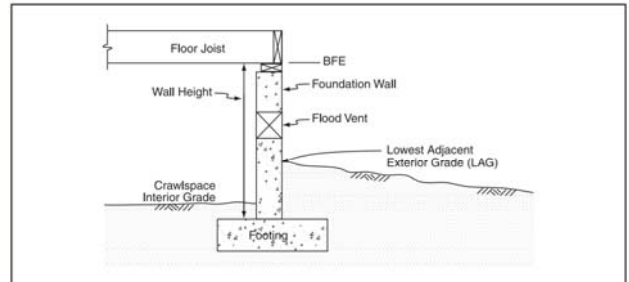


Figure 2 Below-grade crawlspace construction.



“Flood Insurance Safeguards Common Areas of High-Rises”

<http://www.staradvertiser.com/2016/12/02/hawaii-news/kokua-line/flood-insurance-safeguards-common-areas-of-high-rises/>

In a Kokua Line article by Christine Donnelly which appeared in the Star Advertiser on December 2, 2016 titled “Flood Insurance Safeguards Common Areas of High-Rises”, a reader asked:

“Why is flood insurance needed in high-rise condo units? My residence is on the 30th floor of a condominium in Honolulu. This condo is in a special flood hazard area. Through our condo maintenance fee, we as owners already pay for flood insurance for the property. Our building is covered for more than 100 percent of replacement value. Yet my lender is telling me I need additional private flood insurance for my high-rise unit due to FEMA regulations. My question is, why am I required to carry so much flood insurance when I live in a high-rise condo unit? Neither FEMA nor NFIP has explained to me why high-rises need additional flood insurance in the first place. The entire condo structure would have to collapse as a result of flood conditions for my 30th-floor unit to get flooded. The first few floors might get flooded, but not the 30th floor. At one point I canceled my additional flood insurance and was warned in a letter from FEMA to get a new policy. Then my insurance company force-placed a ridiculous \$5,000-a-year flood policy on me.”

Response: First, a definition of terms. FEMA is the Federal Emergency Management Agency, which coordinates the response to disasters beyond the scope of local or state authorities. NFIP, the National Flood Insurance Program managed by FEMA, provides flood insurance, maps flood hazard zones and seeks to improve flood-plain management.

To answer your questions, we contacted William Nhieu, a communications officer for the state Department of Commerce and Consumer affairs, which has an insurance division and an office of consumer protection. He said your inquiry overlapped several authorities, including the DCCA, FEMA and the state Department of Land and Natural Resources. He directed the query to Carol Tyau-Beam, Hawaii’s NFIP coordinator, who is based in the DLNR’s engineering division. She provided this thorough response:

“Any structure secured by a loan from federally regulated lenders which is located in a Special Flood Hazard area (A or V zones) must have flood insurance as required under the U.S. Flood Disaster Protection Act. This includes condominiums/high-rise structures. Flood insurance is important for condominiums/high-rise structures to protect the common elements damaged from flooding. If the common elements are not protected, most importantly the foundation, the entire structure is at risk and this could affect everyone in the building.

Hawaii Revised Statutes, Chapter §514B

Condominium Property Act HRS §514B-143(e) - *The declaration, bylaws, or the board may require the association to carry any other insurance, including workers’ compensation, employment practices, environmental hazards, and equipment breakdown, that the board considers appropriate to protect the association, the unit owners, or officers, directors, or agents of the association. Flood insurance shall also be maintained if the property is located in a special flood hazard area as delineated on flood maps issued by the Federal Emergency Management Agency. The flood insurance policy shall comply with the requirements of the National Flood Insurance Program and the Federal Insurance Administration.*

“When an Association of Apartment Owners is not properly flood-insured, the lender will likely require the individual unit owner (regardless whether the unit is well above the Base Flood Elevation) to obtain additional flood insurance coverage to make up the gap. FEMA has a co-insurance penalty when the RCBAP (Residential Condominium Building Association Policy) is not 80 percent or more of the full replacement cost of the building. Because of this, most lenders will require an individual unit owner to purchase additional coverage when the RCBAP doesn’t reflect coverage for 100 percent of replacement cost. It’s important that the AOA review their flood coverage annually to ensure the building is properly flood-insured.

“As for the specific inquiry, I suggest the unit owner inquire with their lender as to what is triggering the requirement for excess flood insurance and provide documentation to prove that the condo master policy has flood insurance coverage for 100 percent of replacement cost of the entire building. It may be that the structure is covered for 100 percent of replacement value under the standard property coverage, but not for the flood insurance coverage. In that case, the lender may require gap coverage for flood.”



For more information about flood insurance for condominiums, see 808ne.ws/condoflood, a section of the NFIP website floodsmart.gov.

Source: Honolulu Star Advertiser

April 2017 National Flood Insurance Program Changes

The National Flood Insurance Program continues to undergo changes. Some of these changes are aimed at providing a better customer experience for policyholders while other changes continue the implementation of the Biggert-Waters Flood Insurance Reform Act and the Homeowner Flood Insurance Affordability Act. This new series of three short videos explains the key elements of changes to the NFIP that became effective on April 1, 2017.

WATCH VIDEOS: <https://www.fema.gov/media-library/multimedia/collections/563>

Premiums and Surcharges: This short video discusses the updated premium rates that conform to the premium rate caps established by Biggert-Waters and the Homeowner Flood Insurance Affordability Act.

Newly Mapped Multiplier: This short video segment discusses changes related to the Newly Mapped Multiplier Table. In the April 2017 Program Changes, FEMA is providing updated multiplier tables to assist in determining which multiplier to use in calculating the premium for properties newly mapped into a Special Flood Hazard Area through December 2018.

Pre-FIRM Substantially Improved Buildings and Updates to the Community Rating System List: This short video discusses the clarifications for policy rating and loss adjustment for Pre-Flood Insurance Rate Map substantially improved properties and when the next update of the Community Rating System Eligible Community List will



Kaunakakai Stream Receives Letter of Map Revision

As part of the Federal Emergency Management Agency's (FEMA) Flood Map Modernization initiative, the Nation's levee systems were evaluated to ensure these structures are accurately reflected on the Digital Flood Insurance Rate Maps (DFIRMs). "Levee-impacted" communities, who required additional time to collect the necessary documentation to demonstrate compliance with Title 44 of the Code of Federal Regulations (44CFR) §65.10, were given a provisional accreditation on the DFIRMs.

In Maui County, the Kaunakakai Stream flood control levee is operated and maintained by the Department of Public Work. A Provisionally Accredited Levee (PAL) designation for levee segments along Kaunakakai Stream on the island of Molokai was issued by FEMA in 2009 when the county received their DFIRMs. The PAL allowed Maui County time to gather and submit the necessary documentation to FEMA demonstrating that the levee system satisfies the agency's certification criteria according to 44CFR§65.10. At the time, the county was unable to provide the necessary documentation by the PAL expiration on February 1, 2010. This prompted FEMA to begin the process of remapping the flood hazards along Kaunakakai Stream. The DFIRMs were subsequently revised on November 4, 2015 and reflected a deaccredited levee where certain areas on the landward side of the levee were mapped as high-risk flood zone. Nevertheless, Maui County continued to pursue certification of the levee system. They restudied the stream and levee system based on updated hydrology and subsequently submitted the new data to FEMA. On March 14, 2017, a Letter of Map Revision (LOMR) was issued for Kaunakakai Stream on the basis of revised hydrologic and hydraulics analyses, levee certification, and updated topographic data.

Property owners with mortgages from federally-regulated lenders that were mapped into a Special Flood Hazard Area (A or V zones) as a result of the November 2015 DFIRM revisions were required by their lender to obtain flood insurance. Now that a LOMR has been issued for Kaunakakai Stream, which significantly reduces the floodplain on the landward side of the levee, it may be prudent for property owners to review the revised DFIRM to determine if their flood hazard has been revised (A copy of the LOMR can be downloaded from the Hawaii Flood Hazard Assessment Tool at www.hawaiiinfip.org). If your structure was removed from the Special Flood Hazard Area (A or V zones) and has been remapped into an X or X(shaded) zone, the mandatory flood insurance requirement pursuant to the Flood Disaster Protection Act of 1973 no longer applies. However, it's important to note that although levees provide protection against flooding, they do not remove the risk from flooding entirely. More than 20 percent of NFIP claims come from buildings outside of high-risk areas. Property owners who have been mapped out of the SFHA should consider maintaining coverage by converting an existing policy to a lower-cost Preferred Risk Policy. Call your insurance agent to discuss your flood insurance options.

Useful Links:

COMMON QUESTIONS: LEVEE CERTIFICATION AND ACCREDITATION

https://www.fema.gov/media-library-data/20130726-1815-25045-4274/lv_cert_accred_faq.pdf

MAP CHANGES AND FLOOD INSURANCE: WHAT PROPERTY OWNERS NEED TO KNOW

<http://dlnrenq.hawaii.gov/nfip/wp-content/uploads/sites/11/2015/06/Map-Changes-and-Flood-Insurance-What-Property-Owners-Need-to-Know-April-2015.pdf>



Continued from Page 2, *Tides Carry Flood Threat*

Over the last 20 years, sea levels were rising faster in the western Pacific under the influence of strong tradewinds and other factors, Merrifield said. Now the trades are in a relaxing mode, and that glob of high water has switched back to the east.

“We’re in the middle of something that is going to take a while to resolve,” Merrifield said. “The sea level will go down eventually, but right now we’re in this high period.”

Merrifield’s Sea Level Center is predicting that elevated water levels are likely to linger at least through the summer.

In addition, large bulging ocean eddies have been slowly swirling in and around the islands, boosting sea levels even more at times, he said.

During these periods of higher-than-average sea levels, the normal high tides influenced by the gravitational pull of the moon become even more elevated.

If those high tides are the king tides — the highest tides that occur around the winter and summer solstices — sea levels that run up on our shores are that much higher.

“It’s a stacking problem,” he said. “When you’ve got high sea level and you add the eddy and then add the king tide, that’s when you start to get to a super elevation, a flooding elevation.”

But that’s not all. Summer is the season for sizable southern swells, and if one of those hit the islands at the same time as a super-size king tide, there could be extra flooding, damage and other hazards.

“South-facing shores, like Waikiki, are the areas we are worried about,” he said. “Even without the waves, groundwater flooding will be an issue. With the waves, now we’re talking about overtopping of berms, coastal flooding and erosion.”
Will the stars align to bring a full-on watery assault on our southern shores?

Merrifield said it’s hard to say. There’s even a chance no one will notice if a swirling eddy moves away or results in a temporary drop in sea levels.

“We don’t know exactly how all of these components are going to line up,” he said. “Eddies are like the weather — you don’t know where they’re going to be from week to week.”

Even if extreme conditions fail to develop, the latest sea level forecasts call for flooding Wednesday and Thursday in Mapunapuna and other low-lying coastal regions as part of the king tides.

People and entities should be prepared with sandbags, sump pumps or whatever else is needed to protect assets during these periods of coastal flooding, the scientist said.

Coastal property owners and residents should anticipate impacts like the ones that occurred during the high tides of late April. Boaters, paddlers and fishermen might also face unusual water levels, currents and coastal hazards.

Chip Fletcher, associate dean of the UH School of Ocean and Earth Science and Technology, told the UH System News that water levels could reach more than 1 foot above typical high tide.

Fletcher said these events will be a preview of things to come as climate models indicate sea level rise accelerating. “Within a few decades this will be the new normal. Hawaii should consider this a practice run and re-evaluate policies and development practices accordingly,” he said.

As the decades pass, Hawaii and other coastal areas will experience a growing amount of groundwater flooding, waves sweeping over the shoreline, land eroding away and storms and tsunamis penetrating increasingly inland over time, he said.

To help illustrate the growing problem, the university has created the Hawai’i and Pacific Islands King Tides Project, a citizen science program aimed at documenting the high water levels.

“The king tides are a good indicator of what future sea level rise might look like,” said Maya Walton, program leader with the UH Sea Grant College Program.

The program is recruiting citizen scientists to take photos of the king tides for use in scientific research.

Training for those who want to get involved will be held June 1 from 6:30 to 7:30 p.m. For those who can’t be there in person, the session can be viewed online at [youtube.com/hanaumatalks](https://www.youtube.com/hanaumatalks).

For further information on the king tides program, go to csr.seagrant.soest.hawaii.edu/king-tides.

The latest six-day sea level forecast for Hawaii and some other Pacific islands is found here: www.pacioos.hawaii.edu/shoreline-category/highsea.



Dept of Land & Natural Resources

Engineering Division

P.O. Box 373

Honolulu, HI 96809



Board of Land & Natural Resources

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Make Hawaii a Great Place to Live !!



VOICE OF THE SEA: Building on the Shore



Voice of the Sea is an original half-hour television series produced in partnership with the University of Hawaii Sea Grant Center for Marine Science Education and the Curriculum Research & Development Group. The innovative half-hour TV *Voice of the Sea* series presents global issues in a local context, incorporating traditional knowledge and cultural practices into the STEM canon. Episodes highlight ocean research and careers in science, technology, engineering, and mathematics (STEM). The *Voice of the Sea* host travels throughout Hawaii and the Pacific meeting researchers, scientists and cultural practitioners whose work benefits the ocean. Viewers learn about current science research, it's importance to them, and the ways in which traditional knowledge can inform science and management practices.



Episode: VOS4-5

Airdate: April 23, 2017

In this episode, we're learning about [coastal erosion](#) and how it affects homes built near the shore. We explore the coastline with [Hawai'i Sea Grant Extension Agents](#) and [County of Kauai planners](#) to see what happens when buildings are put too close to the ocean compared to buildings that are set-back, allowing natural beach action and [sea-level rise](#) to occur without damaging properties.

WATCH VIDEO: <https://vimeo.com/215422926>

