

Honolulu, Hawaii

APR - 5 2006

RE: S.R. No. 96

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Water, Land, and Agriculture, to which was referred S.R. No. 96 entitled:

"SENATE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF THE SHORELINE SETBACK REFERENCE LINE,"

begs leave to report as follows:

The purpose of this measure is to request the Auditor to conduct a study of the shoreline setback reference line.

Testimony in opposition to this measure was submitted by the Department of Land and Natural Resources and the Office of Planning. Comments were also submitted by EarthJustice, the Hawaii Association of Realtors, and the Land Use Research Foundation of Hawaii.

Shorelines and beaches are one of Hawaii's most precious natural resources and provide important recreational, cultural, social, and economic opportunities for residents and tourists. The shoreline setback system has been established to serve the dual purpose of protecting Hawaii's beach resources and reducing the loss of property from erosion, storms, or other events by establishing a distance mauka of the ocean from which structures may be built.

In recent years, the urbanization of Hawaii's coastal lands and intensification of its use has resulted in extended landscaping along the shoreline through the use of saltwater tolerant plants in some cases. This extension has distorted the



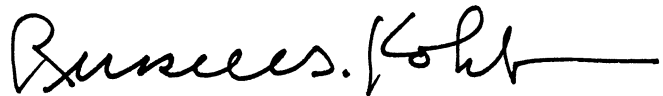
shoreline for the purpose of establishing the shoreline setback reference line, making it very difficult to determine.

Senate Concurrent Resolution No. 51, S.D.1, Regular Session 2005, requested the Department of Land and Natural Resources and a working group to conduct a study of the issues surrounding the shoreline certification process for the purpose of shoreline setbacks. However, the report resulting from Senate Concurrent Resolution No. 51, S.D.1, provided recommendations that were unacceptable to participating organizations, including the Department of Land and Natural Resources. This unsatisfactory product requires further investigation and research.

Thus, your Committee finds that the Department of Land and Natural Resources' report did not explore or analyze alternative methods and technologies that could be used to establish the shoreline setback line and did not offer clear recommendations in terms of the Department's position. This measure requests the Auditor to study the alternative systems and methods for defining and establishing the shoreline setback reference line.

As affirmed by the record of votes of the members of your Committee on Water, Land, and Agriculture that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 96 and recommends its adoption.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land, and
Agriculture,



RUSSELL S. KOKUBUN, Chair



The Senate
 Twenty-Third Legislature
 State of Hawaii

Record of Votes of the
 Committee on Water, Land and Agriculture
 (Bills and Resolutions)

Measure:* <i>SR 96</i>	Committee Referral: <i>WLA</i>	Date: <i>29 March 2006</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (2312) <input type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
KOKUBUN, Russell S. (C)	✓			
HOOSER, Gary L. (VC)				✓
ENGLISH, J. Kalani	✓			
FUKUNAGA, Carol				✓
HEMMINGS, Fred	✓			
TOTAL	<i>3</i>			<i>2</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>[Signature]</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Do not list more than one measure per Record of Votes.