

STAND. COM. REP. NO.

833

Honolulu, Hawaii

March, 2007

RE: H.B. No. 1037

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Water, Land, Ocean Resources & Hawaiian Affairs, to which was referred H.B. No. 1037 entitled:

"A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT,"

begs leave to report as follows:

The purpose of this bill is to:

- (1) Preserve the shoreline and public shoreline access; and
- (2) Protect the public from coastal hazards,

by requiring the counties to adopt rules extending shoreline setbacks to not less than 150 feet and not more than 200 feet inland from the shoreline.

The Sierra Club-Hawaii Chapter and Hawaii Audubon Society testified in support of this bill. The Department of Land and Natural Resources and Hawaiian Telcom supported the intent of this measure. The Department of Planning and Permitting of the City & County of Honolulu, Land Use Research Foundation of Hawaii, Kuilima Resort Company, and a concerned individual opposed this bill. The Office of Planning provided comments.



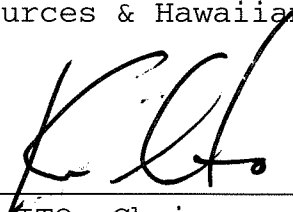
Upon careful consideration, your Committee has amended this measure by deleting its substance and inserting the substance of House Bill No. 1391, which requires certain state and county agencies to account for sea-level rise and minimize risks from coastal hazards such as erosion, storm inundation, hurricanes, and tsunamis, by making changes to the provisions concerning shoreline setbacks and public access in the Coastal Zone Management Program (Program). Specifically, as amended, this bill:

- (1) Gives each county the authority to establish shoreline setback lines at a distance not less than the average annual erosion rate based on a fifty-year projection, in addition to the minimum distance established in section 205A-43, Hawaii Revised Statutes;
- (2) Makes other various changes to the Program to mitigate coastal hazards and preserve public access to shorelines; and
- (3) Increases the threshold value to waive a public hearing for a variance application for structures at risk of immediate damage from shoreline erosion, from \$20,000 to \$50,000; and

This bill was further amended by requiring the counties to ensure reasonable street parking near public access areas by the coastal shoreline.

As affirmed by the record of votes of the members of your Committee on Water, Land, Ocean Resources & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1037, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1037, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land, Ocean
Resources & Hawaiian Affairs,



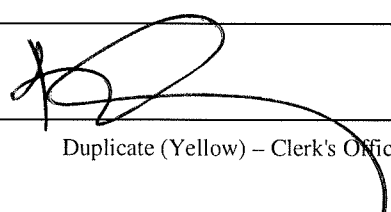
KEN ITO, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCR 833

Record of Votes of the Committee on Water, Land, Ocean Resources & Hawaiian Affairs

Bill/Resolution No.: HB 1037	Date: February 27, 2007			
Committee Referral: WLH	<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.			
The recommendation is to:				
<input type="checkbox"/> Pass, unamended		<input checked="" type="checkbox"/> Pass, with amendments		
<input type="checkbox"/> Hold		<input type="checkbox"/> Pass, with amendments, for recommittal for further consideration		
WLH Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	X			
2. CHONG, Pono (VC)	X			
3. CARROLL, Mele	X			
4. MAGAOAY, Michael Y.	X			
5. MORITA, Hermina M.	X			
6. SAGUM, Roland D., III	X			
7. SAIKI, Scott K.	X			
8. THIELEN, Cynthia				X
TOTAL	7			1
The recommendation is:				
<input checked="" type="checkbox"/> Adopted				
<input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
				
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office				