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# A BILL FOR AN ACT

RELATING TO SHORELINE SETBACKS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that beaches are unique  
2 assets of the state created by a decades-long natural process of  
3 erosion and accretion. For the past several decades, the  
4 beachfront of Kailua beach has increased to the benefit of beach  
5 users from around the state and the nation. Kailua beach is  
6 special within the state as one of the few beaches that is fully  
7 urban, accreting, and entirely unarmored. This asset, however,  
8 remains impacted by erosion related to sand deficiencies at  
9 Kailua beach park, as well as the threat of future sea-level  
10 rise. Because the southern end of Kailua beach is now subject  
11 to long-term erosion, which is migrating northward with time,  
12 the protection and conservation of Kailua beach by minimizing  
13 current and future impacts of shoreline erosion is imperative.

14           Proper management, achieved through appropriate shoreline  
15 setbacks within which construction is prohibited, will:

- 16           (1) Help to protect development from coastal hazards;  
17           (2) Conserve and protect the beach;  
18           (3) Preserve recreational uses of coastal resources; and



1 (4) Minimize future impacts to the coastal ecosystem.

2 With long-term sea-level rise and without necessary coastal  
3 management planning, these issues will become more critical.

4 Accreted beach land, in the form of coastal dunes and dry  
5 beach area, is still an integral portion of the beach system.  
6 Accreted land holds the fragile carbonate sands, which the  
7 active beach relies upon during periods of episodic erosion.  
8 These same lands will once again transition back into active  
9 beach area as the shoreline migrates and sea-level rises. As  
10 the shoreline migrates through accretion and erosion, so too  
11 does the conservation district boundary, where all submerged  
12 lands are zoned as resource sub-zone. The accreted lands,  
13 originally within the conservation district, will not only  
14 return to the conservation district with subsequent erosion, but  
15 also have a significant impact on the function and health of the  
16 beach resource to be conserved and protected within the existing  
17 conservation district boundaries. From a management  
18 perspective, it is more effective for one agency to steward the  
19 entire resource, or multiple agencies to follow a single  
20 integrated management plan for the entire resource. As there  
21 are currently no shoreline structures on Kailua beach, with the  
22 exception of the boat ramp and ancillary structure at the south



1 end of the beach, there is a significant opportunity for the  
2 State to proactively and comprehensively manage the coastal  
3 sediment and environmental systems in the best interest of the  
4 public, the resource, and the State.

5 The purpose of this Act is to allow the department of land  
6 and natural resources to establish a temporary coastal  
7 construction moratorium along Kailua beach to preserve the beach  
8 for the use and enjoyment of future generations.

9 SECTION 2. Chapter 205A, Hawaii Revised Statutes, is  
10 amended by adding a new section to part III to be appropriately  
11 designated and to read as follows:

12 "§205A- Construction moratorium. (a) Notwithstanding  
13 any other law to the contrary, the department of land and  
14 natural resources, pursuant to chapter 92, may establish an  
15 interim coastal construction moratorium along Kailua beach where  
16 the department determines that the following conditions exist:

- 17 (1) Since the establishment of the shoreline setback  
18 pursuant to section 205A-43, the shoreline has shown  
19 evidence of migration through accretion or erosion;  
20 (2) Due to the migration of the shoreline, the shoreline  
21 setback established pursuant to section 205A-43 may



1 not offer adequate long-term protection of beach  
2 resources, public access, and coastal communities; and  
3 (3) An interim coastal construction moratorium, through a  
4 coastal construction control line, is deemed  
5 appropriate to protect development from coastal  
6 hazards, to conserve and protect beach lands, to  
7 preserve recreational uses of coastal resources, or to  
8 minimize future impacts to the coastal ecosystem.

9 (b) The interim coastal construction moratorium shall not  
10 apply to a structure for which all necessary building permits  
11 have been approved prior to the establishment of the moratorium.

12 (c) Any interim coastal construction moratorium  
13 established pursuant to this section shall expire on the earlier  
14 of:

15 (1) Two years from the date of its establishment; or  
16 (2) Upon the determination of the department of land and  
17 natural resources that the moratorium is no longer  
18 appropriate.

19 (d) For purposes of this section, "Kailua beach" means  
20 that part of the east shoreline of the island of Oahu between  
21 Kawainui canal to the north and Alala point to the south, in the  
22 Koolaupoko district."



1 SECTION 3. Prior to the sunset date of this Act, the  
2 department of land and natural resources and the University of  
3 Hawaii, in consultation with any applicable agencies, shall make  
4 recommendations to the legislature for future actions for the  
5 protection and management of Kailua beach.

6 SECTION 4. New statutory material is underscored.

7 SECTION 5. This Act shall take effect upon its approval  
8 and shall be repealed on June 1, 2011; provided that any interim  
9 construction moratorium established by the department of land  
10 and natural resources prior to the repeal of this Act shall  
11 remain in effect until its expiration.



**Report Title:**

Interim Coastal Construction Moratorium.

**Description:**

Allows DLNR to establish an interim construction moratorium along Kailua Beach to protect development from coastal hazards, to conserve and protect beaches, to preserve recreational uses of coastal resources, or to minimize future impacts to the coastal ecosystem. (HB593 HD1)

