

STAND. COM. REP. NO. 681

Honolulu, Hawaii

March 5, 2009

RE: H.B. No. 570
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Water, Land, & Ocean Resources, to which was referred H.B. No. 570 entitled:

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

begs leave to report as follows:

The purpose of this bill is to enhance the management of coastal zone areas in the state.

Generally, this bill requires certain agencies to account for changes in the sea level and to minimize the risk from coastal hazards such as erosion, storm inundation, hurricanes, and tsunamis.

This measure also:

- (1) Preserves the public's access to the shoreline; and
- (2) Maintains shoreline setback lines at not less than 20 feet and not more than 40 feet inland from the shoreline; however, this measure allows the counties to establish shoreline setback lines at distances greater than those set forth by Chapter 205A, Hawaii Revised Statutes (HRS) (Hawaii's Coastal Zone Management Law), based on average annual shoreline erosion rates, where appropriate.



The Office of Corporation Counsel of the County of Hawaii, and several concerned individuals testified in support of this bill. The Department of Land and Natural Resources (DLNR), Office of Hawaiian Affairs, Sierra Club-Hawaii Chapter, and a concerned individual supported this measure with amendments. The Office of Planning, Department of Planning and Permitting of the City and County of Honolulu, and the Land Use Research Foundation of Hawaii opposed this measure.

Your Committee finds that the importance of coastal zone management has risen to the environmental forefront in response to recent research with respect to global warming, rising sea levels, and a changing global climate. This measure addresses the environmental concerns of a dynamic coastline to provide necessary coastline regulation while maintaining adequate public access to these areas.

Your Committee has amended this bill by, among other things:

- (1) Including in the objectives and policies of the Coastal Zone Management Program with respect to coastal ecosystems, beaches and dunes, and with respect to beach protection, minimizing negative impacts to coastal environments and protecting against coastal hazards;
- (2) Clarifying that all development in the special management area is subject to reasonable terms and conditions "relative to the objectives, policies, and guidelines" of coastal zone management laws;
- (3) Providing that the counties may not approve developments in the special management areas that impede "reasonable and adequate" public access to or along the shoreline;
- (4) Requiring the counties to minimize development that "directly" reduces the size of the beach or recreation area;
- (5) Reverting from the new forty-foot minimum shoreline setback back to the current statutory twenty-foot minimum;
- (6) Deleting the provision waiving a public hearing prior to a shoreline setback variance for:

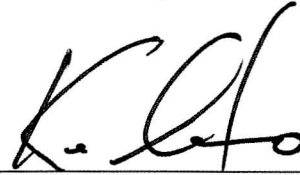


- (a) The protection of a legal structure costing more than \$20,000, for structures at risk of immediate damage from shoreline erosion, instead of raising the threshold structure value to \$50,000; and
 - (b) Other structures or activities for which no person or agency has requested a public hearing within 25 calendar days of public notice of the variance application;
- (7) Requiring for structural variances that are necessary for or ancillary to landscaping, that the proposed structure or activity not adversely affect adequate public access;
 - (8) Reinserting the requirement that a private facility or improvement not adversely affect beach processes or artificially fix the shoreline for allowing a structural variance where denial will result in hardship to the applicant;
 - (9) Requiring for applications of structural variances that may harden the shoreline, consideration of whether the activity will alter beach-quality sediment availability;
 - (10) Requiring for applications of variances for the moving of sand from one location seaward of the shoreline to another location seaward of the shoreline, that the movement be within the same littoral system, and allowing movement not only to stabilize an eroding shoreline, but also for stream mouth maintenance;
 - (11) Authorizing the planning departments of the counties, instead of DLNR, to determine the shoreline setbacks; and
 - (12) Making technical, nonsubstantive changes for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Ocean Resources that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 570, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 570, 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,



KEN ITO, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 681

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

Bill/Resolution No.: HB 570	Committee Referral: WLO	Date: Feb. <u>06</u> , 2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	✓			
2. HAR, Sharon E. (VC)	✓			
3. CABANILLA, Rida	✓			
4. CHANG, Jerry L.	✓			
5. CHONG, Pono	✓			
6. COFFMAN, Denny	✓			
7. HERKES, Robert N.				✓
8. LEE, Chris	✓			
9. LUKE, Sylvia	✓			
10. MORITA, Hermina M.	✓			
11. SAGUM, Roland D., III	✓			
12. CHING, Corinne W.L.	✓			
13. THIELEN, Cynthia	✓			
TOTAL (13)	12			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: _____ <i>K. H.</i>				
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