

Honolulu, Hawaii

FEB 11 2009

RE: S.B. No. 468
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Transportation, International and Intergovernmental Affairs, to which was referred S.B. No. 468 entitled:

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

beg leave to report as follows:

The purpose of this measure is to revise coastal zone management statutes to implement a more comprehensive, science-based understanding of sea level rise and its inclement impacts.

Specifically, this measure, among other things:

- (1) Requires affected agencies to account for sea level rise and minimize risks from coastal hazards such as erosion, storm inundation, hurricanes, and tsunamis;
- (2) Preserves public access and public shoreline access; and
- (3) Extends shoreline setback to not less than forty feet from shoreline and requires counties to account for annual erosion rates.

Testimony in support of this measure was submitted by one organization and one public citizen. Two state agencies supported the intent of this measure. Testimony in opposition was submitted by one state agency, two county agencies, and three organizations.



The coastal zone management program under section 205A-2, Hawaii Revised Statutes, was established to manage, promote, preserve, and protect the State's marine, coastal, and surrounding recreational areas. The program focuses on Hawai'i's ecosystem as a whole rather than on the individual species, resources, or uses, thus the objectives and policies of the program have broad implications. However, the initial drafting was prior to more comprehensive, science-based understandings of sea level rise and its impacts over the lifetime of coastal developments. Proper revision can enable the statute to accommodate dynamic coastlines, which migrate following a long-term trend, through the use of state-of-the-science data and tools, as well as, modern adaptation and hazard mitigation strategies.

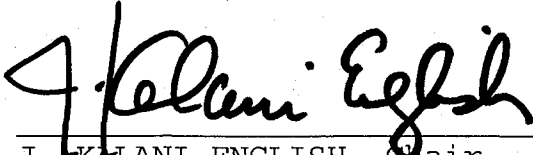
Your Committees find that a significant shoreline setback is not without precedent. Kaua'i recently adopted an ordinance for shoreline setback that is the strongest in the State, requiring dwellings to be set back seventy times the annual erosion rate plus forty feet. Pushing buildings back from eroding waterlines is critical to the protection of life and property, the mitigation of coastal hazards, and the preservation of coastal resources.

Your Committees have amended this measure by requiring all counties, in addition to the forty-foot minimum setback, to adopt ordinances to establish a setback based on the annual erosion rate.

As affirmed by the records of votes of the members of your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Transportation, International and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 468, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 468, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committees on Water, Land,
Agriculture, and Hawaiian
Affairs and Transportation,
International and
Intergovernmental Affairs,



J. KALANI ENGLISH, Chair

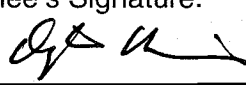


CLAYTON HEE, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

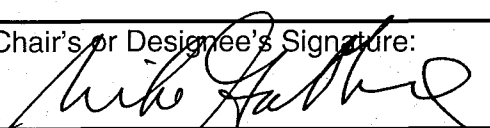
Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WTL

Bill / Resolution No.:* SB 468	Committee Referral: WTL/TIA	Date: 2-2-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C) ✓	✓			
TOKUDA, Jill N. (VC)				✓
BUNDA, Robert ✓	✓			
FUKUNAGA, Carol	<i>ib.</i>			✓
KOKUBUN, Russell S. ✓	<i>wa</i>	✓		
TAKAMINE, Dwight Y. ✓	✓			
HEMMINGS, Fred				✓
TOTAL	3	1	0	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Transportation, International and Intergovernmental Affairs
TIA

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SB 468	WTL/TIA	2-2-09
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
ENGLISH, J. Kalani (C)	✓	
GABBARD, Mike (VC)	✓	
ESPERO, Will	✓	
NISHIHARA, Clarence K.		
SLOM, Sam		✓
TOTAL	3	1
	-	1
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:		
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		Goldenrod
		Committee File Copy

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