
A BILL FOR AN ACT

RELATING TO SHORELINE SETBACK.

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 example, in the past several
4 decades, the beachfront of Kailua beach has increased, due to
5 accretion, to the benefit of beach users from around the State
6 and the nation. Kailua beach is one of the few beaches that is
7 fully urban, accreting, and entirely unarmored. This asset,
8 however, remains impacted by erosion related to sand
9 deficiencies at Kailua beach park, as well as the threat of
10 future sea-level rise. Because the southern end of Kailua beach
11 is now subject to long-term erosion, which is migrating
12 northward with time, Kailua beach is a prime example of the
13 maxim: what nature can give, it can take back.

14 Accreted beach land, in the form of coastal dunes and dry
15 beach area, is still an integral portion of the beach system.
16 Accreted land holds the fragile carbonate sands, which the
17 active beach relies upon during periods of episodic erosion.



1 These same lands will once again transition back into active
2 beach area as the shoreline migrates and sea-level rises.

3 The purpose of this Act is to ensure that, in any county
4 with a population of more than five hundred thousand, accreted
5 lands that are subject to the natural effects of future erosion
6 are protected from any construction or improvement that could
7 require future hardening of the shoreline with artificial
8 revetments or seawalls to protect the improvements from the
9 eventual natural erosion process.

10 SECTION 2. Section 205A-43, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§205A-43 Establishment of shoreline setbacks and duties
13 and powers of the department. (a) Setbacks along shorelines
14 are established of not less than twenty feet and not more than
15 forty feet inland from the shoreline[-]; provided that, in any
16 county with a population greater than five hundred thousand, the
17 setback along the shoreline shall not be less than twenty feet
18 from the shoreline or twenty feet from any accreted lands along
19 the shoreline, whichever is greater. The department shall adopt
20 rules pursuant to chapter 91, and shall enforce the shoreline
21 setbacks and rules pertaining thereto.



1 (b) The powers and duties of the department shall include,
2 but not be limited to:

3 (1) The department shall adopt rules under chapter 91
4 prescribing procedures for determining the shoreline
5 setback line; and

6 (2) The department shall review the plans of all
7 applicants who propose any structure, activity, or
8 facility that would be prohibited without a variance
9 pursuant to this part. The department may require
10 that the plans be supplemented by accurately mapped
11 data and photographs showing natural conditions and
12 topography relating to all existing and proposed
13 structures and activities.

14 (c) For the purposes of this section, "accreted lands"
15 shall have the same meaning as in section 171-1."

16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

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Report Title:

Shoreline Setback; Accretion

Description:

Prohibits inclusion of accreted lands in determining shoreline setback line in counties with population over 500,000.

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