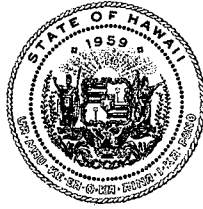


TESTIMONY
HB593, HD2

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
LAURA H. THIELEN
Chairperson

Before the Senate Committee on
WATER, LAND, AGRICULTURE AND HAWAIIAN AFFAIRS

Friday, March 20, 2009
3:00 PM
State Capitol, Conference Room 229

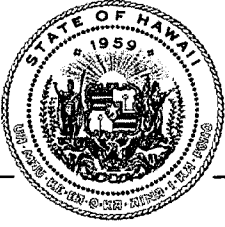
In consideration of
HOUSE BILL 593, HOUSE DRAFT 2
RELATING TO SHORELINE SETBACKS

House Bill 593 House Draft 2 directs the Board of Land and Natural Resources to adopt rules for determining the shoreline setback and mauka extent of the conservation district for Kailua Beach and establishes an interim coastal construction setback line. The Department of Land and Natural Resources (Department) supports all aspect this bill, which would provide sorely needed protection for defined types of beaches and shorelines, including Kailua Beach, except its effective date of July 1, 2020. As such, the Department respectfully asks that this bill be amended to restore the effective date to "upon approval".

The Department recognizes the need to address shoreline setback determinations in a comprehensive, resource and place based approach. The Department understands that the potential impacts of future coastal erosion and sea-level rise necessitate planning beyond current environmental parameters. As such, the Department affirms the importance of proactively working toward a stewardship plan that benefits affected landowners, the resource, the State, and the City and County of Honolulu.

Currently, the Department is working with the University of Hawaii and private consultants on a project to create a long-term, comprehensive management plan for Kailua Beach. The Management Plan will be vetted through both the local community and the City and County Department of Planning and Permitting, to ensure its efficacy as a resource and location based planning document.

This bill will be an effective aid in halting the potentially hazardous seaward creep of shoreline developments until the project is complete.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR
ABBEY SETH MAYER
DIRECTOR
OFFICE OF PLANNING

OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824

Statement of
ABBEY SETH MAYER
Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
**SENATE COMMITTEE ON WATER, LAND, AGRICULTURE
AND HAWAIIAN AFFAIRS**
Friday, March 20, 2009
3:00 PM
State Capitol, Conference Room 229

in consideration of
HB 593, HD 2
RELATING TO SHORELINE SETBACKS.

Chair Hee, Vice Chair Tokuda, and Members of the Senate Committee on Water, Land, Agriculture and Hawaiian Affairs.

We support the intent of HB 593, HD 2 Relating to Shoreline Setbacks. However, we prefer policies which would give the Board of Land and Natural Resources authority to establish an interim construction moratorium in areas throughout the State which meet certain criteria. We have attached proposed amendments.

The Office of Planning administers Chapter 205A, HRS, the Coastal Zone Management Law. We recommend that the provisions of HB593, HD 2 remain within the Session Laws, rather than be inserted as part of the Hawaii Revised Statutes because these provisions will sunset after two years.

We recommend that the bill read as follows:

"Section 1. (a) It is intent of this Act to provide the board of land and natural resources the authority to establish an interim construction moratorium in certain areas and regions under specified conditions.

(b) Notwithstanding any other law to the contrary including section 205A-43, the board of land and natural resources may establish an interim construction moratorium in an area or region where in the opinion of the department of land and natural resources the following has occurred:

1. Since the establishment of the shoreline setback pursuant to section 205A-43, the shoreline has shown evidence of migration through accretion or erosion;
2. Due to the migration of the shoreline, the shoreline setback established pursuant to section 205A-43 may not offer adequate long-term protection of beach resources, public access, and coastal communities; and
3. An interim construction moratorium is deemed appropriate to protect development from coastal hazards, to conserve and protect beach lands, to preserve recreational uses of coastal resources, or to minimize future impacts to the coastal ecosystem.

(c) The interim construction moratorium shall not apply to a development for which all necessary building permits have been approved.

(d) Any interim construction moratorium established pursuant to this section shall expire on June 1, 2011.

Section 2. This Act shall take effect upon its approval and shall be repealed on June 1, 2011."

Thank you for the opportunity to offer these comments.

From: Dolan Eversole [dolan@ikenanalu.com]
Sent: Tuesday, March 17, 2009 12:03 PM
To: WTLTestimony
Subject: HB 593 support

I would like to provide my support for HB 593 and encourage you to hear this important bill.

I understand the bill is referred to the Committee on Water, Land, Agriculture, and Hawaiian Affairs (WTL). I feel the bill goes a long way to providing an additional land use tool to ensure the protection of Kailua beach and may lead to more proactive land use policy for coastal protection in the region.

While I work for the University of Hawaii Sea Grant Program and serve as a coastal Geologist technical advisor to the DLNR, my testimony today is as a private citizen.

--
Dolan Eversole
Ikena Nalu Productions
2198 Aha Niu Pl
Honolulu, Hi 96821
(808) 282-2273
www.ikenanalu.com

--
This message has been scanned for viruses and dangerous content by MailScanner, and is believed to be clean.

From: Chip Fletcher [fletcher@soest.hawaii.edu]
Sent: Tuesday, March 17, 2009 1:30 PM
To: WTL Testimony
Subject: Please hear HB593

To: Senate Committee on Water, Land, Agriculture, and Hawaiian Affairs (WTL)

Re: HB 593 (Kailua Shoreline Setback)

Fr: Chip Fletcher, Professor (UH Manoa) and Kailua Resident

Dear Committee Members,

Please give HB 593 a hearing. This is an important bill that will temporarily stop the seaward expansion of development on Kailua Beach for two years. The two year period is necessary to complete a DLNR study of management options to conserve the beach in coming decades.

Kailua Beach is serving as a first test case for developing beach-specific management plans designed to address development pressure, sea level rise, and community resiliency. The Kailua study will provide a template for additional beach conservation plans throughout the state. At the end of two years, DLNR and the Kailua community will come back to the legislature to request permanent measures to conserve Kailua Beach.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 19, 2009 9:23 AM
To: WTLTestimony
Cc: richfigel@gmail.com
Subject: Testimony for HB593 on 3/20/2009 3:00:00 PM

Testimony for WTL 3/20/2009 3:00:00 PM HB593

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Rich Figel
Organization: Beach Access Hawaii
Address: 801 Kainui Drive Kailua, HI 96734
Phone: 808-262-5073
E-mail: richfigel@gmail.com
Submitted on: 3/19/2009

Comments:

As co-founder of Beach Access Hawaii, a group that represents hundreds of concerned residents, I implore the committee to approve this measure in order to protect Kailua Beach.

I live in Kailua and became alarmed last year when I saw a house on Namala Place being built much closer to the ocean than the old house that used to be on the lot. It cut off the view of the adjacent home, and I predicted other owners would soon do the same if nothing was done about the current setback requirements.

Not long after that, another new home was built on Laiki Place, much closer to the ocean than the surrounding older homes. Then another on L'Orange Place. And now there is a fourth house being re-built closer to the sea down by the house that President Obama stayed in while vacationing here.

We've seen what happens when houses are allowed to be built close to the ocean in Lanakai and on Kahala Beach. The homeowners will grow naupaka and other vegetation in front of their houses to grab more beach land for themselves, and in the process they will interfere with the natural sand dunes that used to be there. That in all likelihood will accelerate the rate of beach erosion. Then those same homeowners will say they need to build seawalls, which only make matters worse.

The Honolulu City Council has been derelict in its duties to protect Oahu's shorelines. We need stronger setback requirements enacted on this island before it's too late. This bill will at least buy a little time to address the very real problem of erosion and potential sea level rise.

We also need the State DLNR or CZM to implement a comprehensive shoreline management plan for all of the islands -- not just Kailua Beach. But this is at least a step in the right direction.

Thanks for your time and consideration!

Sincerely,

Rich Figel
Beach Access Hawaii founder

TESTIMONY
HB593, HD2
(END)