

TESTIMONY
HB593, HD2
LATE



Sierra Club

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LATE TESTIMONY

SENATE COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

March 20, 2009, 3:00 P.M.
(Testimony is 2 pages long)

TESTIMONY IN SUPPORT OF HB 593, HD2

Aloha Chair Hee and Members of the Committee:

The Sierra Club, Hawai'i Chapter, with 5500 dues paying members statewide, supports HB 593, creating a pilot project to demonstrate an appropriate model to preserve our "jewel" public beaches from erosion. The Sierra Club suggests one amendment to ensure Kailua Beach is preserved for our keiki.

Kailua is consistently rated one of the top beaches in the world and is plainly one of the premier beaches on O'ahu. This bill showcases Kailua in a "new" methodology to preserve our beaches, specifically applying two specific concepts to protect our natural sand dunes, which are critical to prevent loss of sand and eventual hardening of our beaches.

First, HB 539 contemplates a managed retreat from the shoreline by establishing a temporary shoreline setback until a new setback can be adopted by rule. Given the realities of sea level rise caused by global climate change and the accompanying loss of shoreline-protecting coral reef, a policy of "managed retreat" makes the most sense to protect private property, taxpayers, and public shoreline. Setting an appropriate setback from the shoreline for new construction or redevelopments is the best managed retreat strategy for Hawai'i.

HB 539, however, does not go far enough. The Sierra Club suggests a complete moratorium on *all* development until BLNR adopts new rules for determining the shoreline. This makes sense -- if BLNR is truly tasked with the responsibility of

protecting Kailua Beach, it must be given time to act before further construction is allowed.

Second, HB 593 attempts to avoid varying responsibility and disputes for the different beach zones and places control over the entire shoreline area under BLNR. This ensures no one can "pass the buck" and that one agency is squarely responsible for protecting the public beach.

This measure is a model for protecting our beaches that is, fittingly enough, based upon the ancient ahupua`a system. Sometimes to move into the future, you must look to the past? We strongly encourage you to pass this bill on for further hearing, as amended above.

Thank you for the opportunity to testify.

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Date: 3/20/09

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

Re: HB 593 (Kailua Shoreline Setback) **SUPPORT**

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

Dear Committee Members,

Please pass HB 593. 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.

The bill has a defective date. Please correct the date to July 1, 2009.

Thank you for your good work.



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LATE TESTIMONY

RL:2251

HB 593 HD2
RELATING TO SHORELINE SETBACKS

Senate Committee on Water, Land, Agriculture and Hawaiian Affairs

Public Hearing – March 20, 2009
3:00 p.m., State Capitol, Conference Room 229

By
Dolan Eversole, Sea Grant College Program
Kem Lowry, Urban and Regional Planning
Peter Rappa, Environmental Center

HB 593 HD2 allows the Department of Land and Natural Resources (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; and to minimize future impacts to the coastal ecosystem. We are testifying as individual faculty and our views do not represent an official position of the University of Hawaii.

Kailua beach is recognized around the world as one of Hawaii's best beaches. However, it has been in the news recently not for its ample beauty but for the erosion occurring along portions of its almost three mile length. Without attention, this great natural asset could be seriously impaired. This bill is an important step forward to protect and preserve the beach and dune in Kailua. As an interim 2 year measure it prohibits development seaward of a coastal construction control line along the shoreline until a new set of setback rules can be developed. The intent is to prevent the seaward creep of new development as the shoreline moves seaward with time and instead protect these areas and minimize development from future hazards.

The bill does not define what the coastal construction control line is or where it is located. It is our understanding that it is a line drawn along the seaward side of existing structures that delineates the area seaward of any buildings from the buildings themselves. This might be made clearer in the bill. It is also not clear if all the land makai of the coastal construction control line is in the conversation district and under direct control of the DLNR. However, this may be a moot point since the legislature has the authority to declare a moratorium on construction due to health and safety reasons.

This bill should take effect upon passage since problems in this area are current and ongoing. Delay will only exacerbate these problems.

Thank you for the opportunity to comment on this bill.

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(END)