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ECONOMIC DEVELOPMENT & TOURISM**

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AMENDED

Statement of
ABBEY SETH MAYER
Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON WATER, LAND, AND OCEAN RESOURCES
Friday, February 6, 2009
9:15 AM
State Capitol, Conference Room 325

in consideration of
HB 593
RELATING TO SHORELINE SETBACKS.

Chair Ito, Vice Chair Har, and Members of the House Committee on Water, Land, and Ocean Resources.

HB 593 Relating to Shoreline Setbacks proposes to amend Chapter 205A, HRS, to direct the Board of Land and Natural Resources (BLNR) to adopt rules for determining the shoreline setback and mauka extent of the Conservation District for Kailua beach. It also authorizes the Board to establish an interim coastal construction setback line. Development is not to occur makai of the interim coastal construction setback line for a maximum of two years.

We support this bill with amendments.

1. The bill should be amended to include statutory authorization to provide the Department of Land & Natural Resources with the power to

establish an interim construction moratorium in certain areas and regions under certain conditions.

2. Paragraphs (a) and (b) in Section 2 of the bill deal with governmental jurisdictional responsibilities and functions. Time is needed to evaluate jurisdictional responsibilities in respect to the findings of ongoing studies. Therefore, we recommend deletion of paragraphs (a) and (b) in Section 2.

Finally, we have concerns that Chapter 205A, HRS, is not the appropriate place in the statute to convey to the Department of Land and Natural Resources these types of specific powers. However, this provision sunsets after two years and we can accept its placement in Chapter 205A because it is temporary and will extinguish after two years.

Thank you for the opportunity to offer these comments.

February 4, 2009

RE: HB593

Aloha Committee Members:

As a longtime resident of Kailua, I am deeply concerned about beach erosion and setback issues. Without proper guidelines, new homes are being built too close to the ocean which is dangerously irresponsible, and can add to the continued erosion problem.

These home owners seem to be unaware of the potential problems without adequate setbacks and are also guilty of building structures that are blocking the views of existing homes. This is creating a myriad of ill will and threatens to destroy the harmony of existing neighborhoods.

Continued beach erosion is a serious threat to existing homeowners, park and beach goers alike. Millions of visitors to the state enjoy visiting the windward side of Oahu, and are inspired to do so because Kailua beach is repeatedly rated as one of the best beaches in the world. As the economy continues to decline with the downturn in tourism, the importance of preserving of this valuable natural resource should be thoughtfully considered.

There are studies currently being done to evaluate and assess what methods would be best to avoid losing this pristine shoreline. Time is needed to complete these studies.

I support Representative Thielen's bill for a two year moratorium to give the authorities proper time to determine a reasonable policy to protect Kailua beach. This valuable information could then be used to help protect other shoreline areas in Hawaii.

Please support HB593.

Sincerely,
Isabel Figel
Kailua, HI

A thick black horizontal bar redacting the signature of Isabel Figel.

Testimony for HB593 on 2/6/2009 9:15:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Wednesday, February 04, 2009 6:52 AM

To: WLOtestimony

Cc: [REDACTED]

Testimony for WLO 2/6/2009 9:15:00 AM HB593

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Courtney Doyle

Organization: Individual

Address:

Phone:

E-mail: [REDACTED]

Submitted on: 2/4/2009

Comments:

Please give Kailua the time to find a way to bring back Kailua Beach!

088

Testimony for HB593 on 2/6/2009 9:15:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Wednesday, February 04, 2009 6:05 AM

To: WLOtestimony

Cc: [REDACTED]

Testimony for WLO 2/6/2009 9:15:00 AM HB593

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: heidi better

Organization: Individual

Address:

Phone:

E-mail: [REDACTED]

Submitted on: 2/4/2009

Comments:

089

Testimony for HB593 on 2/6/2009 9:15:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, February 03, 2009 9:16 PM

To: WLOtestimony

Cc: [REDACTED]

Testimony for WLO 2/6/2009 9:15:00 AM HB593

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Michele McKay

Organization: Individual

Address:

Phone:

E-mail: [REDACTED]

Submitted on: 2/3/2009

Comments:

I cannot attend the hearing, but please help protect our beaches by supporting this bill.

Thank you,

Michele McKay

090

Testimony for HB593 on 2/6/2009 9:15:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, February 03, 2009 7:37 PM

To: WLOtestimony

Cc: [REDACTED]

Testimony for WLO 2/6/2009 9:15:00 AM HB593

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: trevor smith

Organization: Individual

Address:

Phone:

E-mail: [REDACTED]

Submitted on: 2/3/2009

Comments:

New buildings should not be built carelessly or in poor locations, they should be built in proper areas that don't hurt natural resources.

091

Testimony for HB593 on 2/6/2009 9:15:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, February 03, 2009 7:03 PM

To: WLOtestimony

Cc: [REDACTED]

Testimony for WLO 2/6/2009 9:15:00 AM HB593

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Mary Jo Morrow

Organization: Individual

Address:

Phone:

E-mail: [REDACTED]

Submitted on: 2/3/2009

Comments:

I support Representative Thielen's Bill for a two year moritorium on building new houses that are being build to close to the ocean and causing erosion damage to our ocean fronts.

We are already reaping the damages at Kailua Beach Park where there is severe erosion. We have lost most of our beach front in Lanikai and it is eroding at a rapid rate.

Testimony for HB593 on 2/6/2009 9:15:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, February 03, 2009 6:54 PM

To: WLOtestimony

Cc: [REDACTED]

Testimony for WLO 2/6/2009 9:15:00 AM HB593

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Judith A. Mick

Organization: Individual

Address:

Phone:

E-mail: [REDACTED]

Submitted on: 2/3/2009

Comments:

Aloha- Representatie Theilen's proposal to have a 2 year moratorium on Kailua Beach new construction is really needed. We need to have time to review and devise better setback regulations. Recent construction is invading the beach that many people enjoy and it can only get worse without restrictions. Mahalo for your consideration. Aloha Judy Mick

093

Testimony for HB593 on 2/6/2009 9:15:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, February 03, 2009 6:42 PM

To: WLOtestimony

Cc: [REDACTED]

Testimony for WLO 2/6/2009 9:15:00 AM HB593

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: wendy Erickson

Organization: Individual

Address:

Phone:

E-mail: [REDACTED]

Submitted on: 2/3/2009

Comments:

I support Rep. Thielen's measure to stop new houses from being built closer to the ocean on Kailua Beach. We need a two-year moratorium, which would give the state time to implement a better setback policy on our beaches that will take into account erosion and projected sea level rise.

094

Testimony for HB593 on 2/6/2009 9:15:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Thursday, February 05, 2009 8:37 AM

To: WLOtestimony

Cc: [REDACTED]

Testimony for WLO 2/6/2009 9:15:00 AM HB593

Conference room: 325

Testifier position: support

Testifier will be present: Yes

Submitted by: Noa Napoleon

Organization: The Free Ocean Project

Address: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 2/5/2009

Comments:

Aloha Committee members,

Any and all future developments, whether they involve condominiums, homes, or sea walls, should be subject to set back guidelines that are clear and unambiguous. My question to lawmakers is what are state officials to do when erosion and commercialism appear to negate an earlier set back rule such as is the case in Waikiki? The Sheraton Hotel for example will disregard the already established 75 foot set back (no commercialism)law just as soon as its allowed to develop (fill sand) Makai of its property line. How would such a moratorium prevent this from happening or would it not apply? I suggest you amend the bill to make it clear when and under what conditions property owners would be subject to a default line. Meaning, when erosion narrows a beach, eliminating the so-called public portion of the beach, shouldn't the public get the benefit of the doubt?

Noa Napoleon

095

Dear Sir/Madam,

The free access to beaches is deeply rooted in Hawaiian tradition and supported by our laws. As a kayaker and a regular beach user, I urge you to support the measures that would prevent anybody's encroachment on beach access.

In particular, please bear in mind, beaches change their shape and width constantly; therefore any attempts to decrease their breadth by private homes or plants will at one point make their use difficult or impossible.

I believe, these policies should be enacted stat-wide, on all government levels.

Respectfully,

Alex Modzelewski

Testimony for HB593 on 2/6/2009 9:15:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Thursday, February 05, 2009 10:44 AM

To: WLOtestimony

Cc: [REDACTED]

Testimony for WLO 2/6/2009 9:15:00 AM HB593

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: James D. Miltier

Organization: Beach Access Hawaii

Address: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 2/5/2009

Comments:

Mahalo for Representative Thielen's efforts to thwart the development of more houses on our precious beaches.

097

Testimony for HB593 on 2/6/2009 9:15:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Thursday, February 05, 2009 10:40 AM

To: WLOtestimony

Cc: [REDACTED]

Testimony for WLO 2/6/2009 9:15:00 AM HB593

Conference room: 325

Testifier position: comments only

Testifier will be present: No

Submitted by: James D. Miltier

Organization: Beach Access Hawaii

Address [REDACTED]

Phone [REDACTED]

E-mail [REDACTED]

Submitted on: 2/5/2009

Comments:

We need unified action at both levels to create statewide standards for beach access, as well as shoreline management policies.

Testimony for HB1447 on 2/6/2009 9:15:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Thursday, February 05, 2009 1:25 PM

To: WLOtestimony

Cc: [REDACTED]

Testimony for WLO 2/6/2009 9:15:00 AM HB1447

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Jenna Ishii

Organization: Surfrider Foundation

Address:

Phone:

E-mail: [REDACTED]

Submitted on: 2/5/2009

Comments: