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

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



1 lands will once again transition back into active beach area as  
2 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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INTRODUCED BY:

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JAN 24 2011



**Report Title:**

Shoreline Setback; Accretion

**Description:**

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

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

