
A BILL FOR AN ACT

RELATING TO SHORELINE SETBACKS.

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. Accreted beach land, in the form of coastal
4 dunes and dry beach area, is an integral portion of the beach
5 system. This land holds the fragile carbonate sands that the
6 active beach relies upon during periods of episodic erosion.
7 These same lands will once again transition back into active
8 beach area as the shoreline migrates and sea-level rises.

9 As the shoreline migrates, so too does the conservation
10 district boundary, where all submerged lands are zoned as
11 resource subzone. The accreted lands, originally within the
12 conservation district, will not only return to the conservation
13 district with subsequent erosion, but also will have a
14 significant impact on the function and health of the beach
15 resource to be conserved and protected within the existing
16 conservation district boundaries.

17 Proper management, achieved through appropriate shoreline
18 setbacks within which construction is prohibited, will:



- 1 (1) Help to protect development from coastal hazards;
- 2 (2) Conserve and protect Hawaii's beaches;
- 3 (3) Preserve recreational uses of coastal resources; and
- 4 (4) Minimize future impacts to the coastal ecosystem.

5 With long-term sea-level rise, and without necessary coastal
6 management planning, these issues will become more critical.

7 In the past several decades, the beachfront area of Kailua
8 beach has increased, benefitting beach users from around the
9 State and the nation. Kailua beach is distinctive within State
10 beaches as one of the few beaches that is fully urban,
11 accreting, and entirely unarmored. Even Kailua beach, however,
12 remains impacted by erosion as well as the threat of future sea-
13 level rise. Because the southern end of Kailua beach is now
14 subject to long-term erosion, which is migrating northward with
15 time, it is important to protect and conserve Kailua beach by
16 minimizing current and future impacts of shoreline erosion.

17 There are currently no shoreline structures on Kailua
18 beach, with the exception of the boat ramp and ancillary
19 structure at the south end of the beach. Therefore, there is a
20 significant opportunity to examine the results of proactively
21 and comprehensively managing the coastal sediment and
22 environmental systems in a pilot project at Kailua beach.



1 The purpose of this Act is to encourage the preservation of
2 Hawaii's beaches for the use and enjoyment of future generations
3 of residents and visitors by establishing a pilot project
4 requiring the department of land and natural resources to
5 establish a temporary coastal construction moratorium along
6 Kailua beach on Oahu.

7 SECTION 2. (a) Notwithstanding any other law to the
8 contrary, the department of land and natural resources shall
9 establish an interim coastal construction moratorium pilot
10 project along Kailua beach where the department determines that
11 the following conditions exist:

- 12 (1) Since the establishment of the shoreline setback
13 pursuant to section 205A-43, the shoreline has shown
14 evidence of migration through accretion or erosion;
- 15 (2) Due to the migration of the shoreline, the shoreline
16 setback established pursuant to section 205A-43 may
17 not offer adequate long-term protection of beach
18 resources, public access, and coastal communities; and
- 19 (3) An interim coastal construction moratorium pilot
20 project that includes a coastal construction control
21 line along Kailua beach is deemed appropriate to
22 protect development from coastal hazards, to conserve



1 and protect beach lands, to preserve recreational uses
2 of coastal resources, or to minimize future impacts to
3 the coastal ecosystem.

4 (b) The interim coastal construction moratorium pilot
5 project shall not apply to any structure for which all necessary
6 building permits have been approved prior to the establishment
7 of the temporary moratorium pilot project.

8 (c) The interim coastal construction moratorium pilot
9 project along Kailua beach established pursuant to this section
10 shall expire on the earlier of:

- 11 (1) Two years from the date of its establishment; or
12 (2) Upon the determination of the department of land and
13 natural resources that the moratorium is no longer
14 appropriate.

15 (d) For the purposes of this Act, "Kailua beach" means
16 that part of the east shoreline of the island of Oahu between
17 Kawainui canal to the north and Alala point to the south, in the
18 Koolaupoko district.

19 SECTION 3. The department of land and natural resources
20 and the University of Hawaii, in consultation with any
21 appropriate agencies, shall report to the legislature no later
22 than twenty days prior to the convening of the regular session



1 of 2013 regarding actions taken for the protection and
 2 management of Kailua beach pilot project. The report shall
 3 include any pertinent information, recommendations, or proposed
 4 legislation, if any, to determine whether the construction
 5 moratorium should be extended to other coastal areas throughout
 6 the State.

7 SECTION 4. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon approval, and
 9 shall be repealed on June 1, 2013; provided that any interim
 10 construction moratorium established by the department of land
 11 and natural resources prior to the repeal of this Act shall
 12 remain in effect until its expiration.

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INTRODUCED BY:

[Handwritten signatures and names]

Linda L. Chingane

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Report Title:

Pilot Project; Interim Coastal Construction Moratorium

Description:

Allows DLNR to establish an interim construction moratorium pilot project 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. Effective upon approval, and is repealed on 6/1/2013.

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